

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 110: ALCOHOLIC LIQUORS

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GENERAL PROVISIONS

§ 110.01 SHORT TITLE.

This chapter shall be known and cited as the Liquor Control Ordinance.
(Ord. 1127, passed 3-9-1987)

§ 110.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. All other words and phrases used in this chapter which are defined in an act entitled An Act Relating to Alcoholic Liquors, ILCS Ch. 235, Act 5, §§ 1-1 *et seq.*,

approved January 31, 1934, as amended, shall have the meaning accorded to such words and phrases in said Act.

ALCOHOLIC LIQUOR. Any spirits, wine, beer, ale, or other liquid containing more than 1/2 of 1 % of alcohol by volume which is fit for beverage purposes.

CLUB. A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors which conforms to the definition of a club as provided by the statute.

RESTAURANT. Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number in kind of employees to prepare, cook and serve suitable food for its guests. Provided further that the area where meals shall be served and consumed shall be separate and apart from the bar or area where alcoholic beverages are normally kept and from which they are served.

RETAIL SALE. The sale for use or consumption and not for resale.
(Ord. 1127, passed 3-9-1987)

§ 110.03 ZONING.

Nothing herein contained shall be construed to permit the sale of alcoholic liquors in any place where the conduct of such business is prohibited under the terms of the zoning chapter.
(Ord. 1127, passed 3-9-1987)

LICENSING AND SALES REGULATIONS

§ 110.15 LICENSE REQUIRED.

It shall be unlawful for any person to sell at retail any alcoholic liquor, or have in his or her possession or offer for sale at retail any alcoholic liquor within the corporate limits of the city without first having obtained a license and given bond therefor as herein provided and having paid to the Liquor Commissioner the license fee for such license hereinafter fixed, or in violation of the terms of such license. All licenses hereunder shall be granted and issued by the Liquor Commissioner. Where 2 or more such locations, places, or premises are under the same roof at 1 street address a separate city retailer's license shall be obtained for each such location, place, or premises.
(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.16 APPLICATION.

Applications for such licenses shall be made to the local Liquor Commissioner in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a corporation, verified by oath or affidavit, and shall contain the following information and statements:

(A) The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in case of a corporation, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by 1 person or that person's nominees, the name and address of such person.

(B) The citizenship of the applicant, his or her place of birth, and if a naturalized citizen, the time and place of his or her naturalization.

(C) The location and description of the premises or place of business which is to be operated under such license.

(D) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of this state, or the ordinances of the city.

(E) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor.

(F) A statement that the applicant will not violate any of the laws of the state or of the United States, or any ordinance of this city in the conduct of his or her place of business.

(Ord. 1127, passed 3-9-1987)

§ 110.17 RESTRICTION OF LICENSES.

No such license shall be issued to:

(A) A person who is not of good character or reputation in the community in which he or she resides;

(B) A person who is not a citizen of the United States;

(C) A person who has been convicted of a felony;

(D) A person who has been convicted of being the keeper of or is keeping a house of ill fame;

(E) A person who has been convicted of pandering or other crimes or misdemeanors opposed to decency and morality;

(F) A person whose license issued under this chapter has been revoked for cause;

(G) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;

(H) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license;

(I) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;

(J) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee;

(K) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, or shall have forfeited bond to appear in court to answer charges for any such violation;

(L) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;

(M) Any law enforcing public official, any Mayor, alderman or member of the City Council, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquor;

(N) Any person, association or corporation not eligible for a state retail liquor dealer's license.
(Ord. 1127, passed 3-9-1987)

§ 110.18 BOND REQUIRED.

Every person desiring a license to sell alcoholic liquor under the provisions of this chapter shall file with his or her application a bond payable to the city in the penal sum of \$1,000, signed by at least 2 good and sufficient sureties, or by a good surety company qualified to do business in Illinois, which bond shall be subject to the approval of the Liquor Commissioner. Said bond shall be conditioned upon the observance of the provisions of this chapter, and shall be further conditioned that the applicant shall pay to the city all fines and costs recovered against the

applicant under the provisions of this chapter and any and all other ordinances regulating the sale of such liquors now in force or hereafter adopted, on account of any act done by the holder of such license in violation of any such law during the period for which license shall be granted, and further conditioned that the applicant will pay all persons all damages they may sustain, either in person or property, or means of support, by reason of the sale of alcoholic liquors by the licensee. No persons holding a license hereunder shall be acceptable as a surety for another person requesting or holding a license hereunder. All personal sureties on such bonds must be the owners of property within the corporate limits of the city and shall show to the Liquor Commissioner satisfactory proof of their financial stability.

(Ord. 1127, passed 3-9-1987)

§ 110.19 TERM OF LICENSE.

All licenses shall be for the term of 1 year and shall expire on the thirtieth day of April following their issue; and shall be due and payable in advance. The entire license fee shall be due and payable before the first day of May, provided, that for any license issued on or after November 1 of any calendar year, the license fee from the date of issue to the next succeeding May 1 shall be 1/2 of the annual fee, but there shall be no further fractional division of license.

(Ord. 1127, passed 3-9-1987)

§ 110.20 CLASSIFICATION; FEES.

Such licenses shall be divided into the following classes:

(A) Class A licenses, which shall permit the retail sale of all alcoholic liquor for consumption on or off the premises where sold and not for resale in any form. The annual fee for such license shall be \$500.

(B) Class B licenses, which shall permit the retail sale of beer and wine for consumption only on the premises where sold. The annual fee for such license shall be \$400.

(C) Class C licenses, which shall only permit the retail sale of alcoholic liquor in sealed packages, but not for the consumption on the premises where sold. The annual fee for such license shall be \$300.

(D) Class D licenses, Club Licenses, which shall permit the retail sale of alcoholic liquor consumption on the premises where sold to be issued to a regularly organized club as hereinabove defined. The annual fee for such license shall be \$50.

(Ord. 1127, passed 3-9-1987; Am. Ord. 1146a, passed 8-24-1987; Am. Ord. 1287, passed 4-29-1991)

§ 110.21 LIMITATION ON NUMBER OF LICENSES.

All liquor licenses shall be issued from time to time to lawful applicants according to priority of application upon full compliance by the applicant with the state laws and ordinances in effect at the time of the application for such licenses until the total number of retail liquor licenses in force in the city shall be as follows:

Class A Licenses - 43

Class B Licenses - 5

Class C Licenses - 12

Class D Licenses - 5

However, new Class A licenses for premises not presently having such a Class A license, shall only be allowable concerning premises within commercial zoning, within the city. Also, in each event that any Class A license shall expire, or be surrendered, concerning any premises which are not zoned commercial zoning, and in the further event that an application for a license concerning the same premises shall not be made within 60 days of said expiration or surrender, then the total number of allowable licenses in Class A, shall automatically be reduced by 1 until the total number is reduced to total 39. In considering application for license, preference may be given to

applicants seeking licenses for the same premises on which a license has expired, or been surrendered within 60 days prior to the application.

(Ord. 1127, passed 3-9-1987; Am. Ord. 1146a, passed 8-24-1987; Am. Ord. 1248, passed 5-14-1990; Am. Ord. 1287, passed 4-29-1991; Am. Ord. 1421, passed 6-7-1993)

§ 110.22 DISPOSITION OF FEES.

All license fees herein provided for shall be paid to the Liquor Commissioner at the time the application is made, and shall be forthwith turned over to the City Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted then the fee shall be deposited in the general corporate fund.

(Ord. 1127, passed 3-9-1987)

§ 110.23 RECORD OF LICENSE.

The Liquor Commissioner shall keep or cause to be kept a complete record of all such licenses issued by him or her; and shall furnish the Clerk, Treasurer, and Chief of Police each with a copy thereof. Upon the issue of any new license or the revocation of any old license, the Liquor Commissioner shall notify each of the said officers thereof within 1 week of such action.

(Ord. 1127, passed 3-9-1987)

§ 110.24 POSTING OF LICENSE.

Every person licensed hereunder shall immediately post the license so issued and keep same posted while in force in a conspicuous place on the licensed premises.

(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.25 TEMPORARY LICENSE.

The Liquor Commissioner shall have power to issue temporary licenses for the sale at retail of beer only at any banquet, picnic, fair, game, bazaar or

similar assembly. Such temporary permits shall be only issued to a fraternal or benevolent, charitable or religious organization organized not for pecuniary profit and shall be for a period not to exceed 2 days. No more than 1 such temporary permit shall be granted to any such organization in any 1 period of 7 days. Such permit shall not permit the sale of alcoholic liquor in any place where the same is otherwise prohibited by law.

(Ord. 1127, passed 3-9-1987)

§ 110.26 TRANSFER OF LICENSE.

(A) A license shall be a purely personal privilege, good for not to exceed 1 year after issuance unless sooner revoked as in this chapter provided, and shall not constitute property nor shall it be alienable or transferable, voluntarily or involuntary, or subject to being encumbered or hypothecated.

(B) Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privilege of the deceased or insolvent or bankrupt licensee after the death of such insolvency or bankruptcy until the expiration of such license but not longer than 6 months after the death, bankruptcy, or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this division.

(C) Any licensee may renew his or her license at the expiration thereof, provided he or she is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose. Provided further that the renewal privileges herein provided for shall not be construed as a vested right which shall in any case prevent the

City Council, the Mayor, or Village President, any board of trustees or county board, as the case may be, from decreasing the number of taverns.
(Ord. 1127, passed 3-9-1987)

§ 110.27 CHANGE OF LOCATION.

Licenses issued hereunder shall apply only to the premises described in the application and in the license issued thereon, and only 1 location shall be so described in each license. After a license has been granted for a particular premises, the Liquor Commissioner, upon proper showing, may endorse upon said license permission to abandon the premises therein described and remove therefrom to other premises approved by him or her, but in order to obtain such approval of the licenses, the licensee shall file with the Liquor Commissioner a request in writing and a statement under oath which shall show that the premises for which removal is sought complies in all respects with the provisions of this chapter.
(Ord. 1127, passed 3-9-1987)

§ 110.28 HOURS.

(A) Class A licenses, Class B licenses and Class D licenses (club) may sell alcoholic liquors on any day of the week as follows: Sunday to Friday, inclusive, of each week except between the hours of 2:00 a.m. and 6:00 a.m. On Saturday of each week, alcoholic liquors may be sold commencing at the hour of 6:00 a.m. until the hour of 3:00 a.m. Sunday. Class C licenses shall sell alcoholic liquors any day of the week except between the hours of 11:00 p.m. and 6:00 a.m.

(B) During such prohibited hour of sale, every location, place or premises where alcoholic liquors may be sold at retail, shall be kept closed and the public shall not be admitted, and no person other than the licensee or his or her employee or a member of his or her family shall be permitted to remain therein for the purpose of cleaning the premises. All doors opening directly into or out of such premises shall be closed; provided, however, that in case of stores,

restaurants, clubs, hotels, may be kept open during said hours but no alcoholic liquor shall be sold or consumed on the premises by the public during such hours.

(Ord. 1127, passed 3-9-1987; Am. Ord. 1146a, passed 8-24-1987; Am. Ord. 1287, passed 4-29-1991) Penalty, see § 110.99

§ 110.29 DAYS OF RESTRICTED SALES.

No licensee shall sell, give away, supply, or deliver or permit any alcoholic liquor or beer to be sold, supplied, or given away between the hours of 12:00 noon and 3:00 p.m. on the day recognized as Good Friday, or between the hours of 7:00 p.m. on December twenty-fourth and the regular business of the following day.

(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.30 LOCATION RESTRICTIONS.

No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, home for aged or indigent persons or for veterans, their wives, or children or any utility or naval stations; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops, or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purpose prior to the taking effect of this chapter. No person shall hereafter engage in business as a retailer of any alcoholic liquor within 100 feet of any undertaking establishments or mortuary.

(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.31 REVOCATION OF LICENSE.

The Liquor Commissioner may revoke any retail liquor dealer's license for any violation of any provisions of this chapter, or for any violation of any state law pertaining to the sale of alcoholic liquor.

(Ord. 1127, passed 3-9-1987)

§ 110.32 SANITATION.

All premises licensed hereunder shall be kept in a sanitary condition and should be open to inspection by the Health Officer, or by any officer, official, or employee authorized by the Liquor Commissioner. (Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.33 PROHIBITED SALES.

No licensee nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquors to any minor, or to any intoxicated person or to any person known by him or her to be an habitual drunkard, spendthrift, insane, mentally ill, deficient, or in need of mental treatment. (Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.34 DRUNKENNESS ON PREMISES PROHIBITED.

No licensee shall, by himself or herself, servant or agent, suffer or permit any person to drink to excess nor suffer or permit any drunkenness on his or her premises. (Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.35 NOTICE NOT TO SELL.

Whenever a wife or next of kin of any person, habitually addicted to the use of alcoholic liquor, by notice in writing, personally served, shall request any licensee hereunder not to sell or in any manner give away liquor to such person, it shall thereafter be unlawful for such licensee to sell or give away any liquor to such person. (Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.36 CLUBS MUST OBTAIN LICENSE.

A license hereunder shall be necessary for the sale of alcoholic liquor by any club, provided that no such club shall sell alcoholic liquor to any except bona

fide members of such club in good standing. A club, for the purpose of this chapter, is hereby defined as a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used, and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing, and serving food and meals for its members and their guests; provided that such club files with the Liquor Commissioner 2 copies of a list of names and residences of its members, and similarly files within 10 days of the election of any additional member, the member's name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by its members at their annual meeting, and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of a salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club beyond the amount of such salary as may be fixed and voted upon at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.37 EMERGENCY CLOSING.

In all cases where in the opinion of the Liquor Commissioner, the public peace is likely to be endangered by the keeping open of premises licensed hereunder, it shall be lawful for the Liquor Commissioner to issue a proclamation, under the seal of the city, commanding and enjoining all persons licensed by said city to sell any of said liquors, and their servants and agents, to close their shops and places of business for such time as the Liquor

Commissioner shall deem necessary; and neither to sell, give away, or suffer to be drawn any of said liquors in or about their premises during the time mentioned in said proclamation.

(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.38 EMPLOYMENT RESTRICTIONS.

No licensee under this chapter shall employ or permit any individual under the age of 21 years to act as his or her agent, barkeeper, clerk, servant, employee or entertainer in or about the premises offering alcoholic beverages for consumption on said premises. No licensee under this chapter shall employ or permit any individual under the age of 18 years to act as his or her agent, clerk, servant, employee or entertainer in or about the premises offering alcoholic beverages for sale at retail in sealed packages which packages shall not be opened nor the contents thereof consumed on the premises where sold.

(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.39 DISPLAY OF WARNING CARDS TO MINORS.

Every place in the city where alcoholic liquor is sold for beverage purposes shall display in a prominent place, a printed card which may read as follows:

WARNING TO MINORS

YOU ARE SUBJECT TO FINE OF
UP TO SEVEN HUNDRED FIFTY
DOLLARS UNDER THE ORDINANCE
OF THE CITY OF LASALLE, ILLINOIS,
IF YOU PURCHASE ALCOHOLIC
LIQUOR FOR YOURSELF, OR
MISREPRESENT YOUR AGE FOR THE
PURPOSE OF PURCHASING
ALCOHOLIC LIQUOR.

(Ord. 1127, passed 3-9-1987; Am. Ord. 2146, passed 10-20-2008) Penalty, see § 110.99

OFFENSES

§ 110.50 UNLAWFUL TO PEDDLE ALCOHOL.

It shall be unlawful to peddle alcoholic liquors in the city.

(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.51 MISREPRESENTATION OF AGE.

(A) It shall be unlawful for any person under the age of 21 years to purchase, or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession, except as provided herein.

(B) It shall be unlawful for any person under the age of 21 years to consume alcoholic liquor, except as provided herein.

(C) It shall be unlawful for any person under the age of 21 years to represent that he or she is 21 years of age or over for the purpose of buying, accepting or receiving alcoholic liquor.

(D) It shall be unlawful for any person under the age of 21 years to present or offer to any licensee, agent or employee any written, printed, or photostatic evidence of age and identity which is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure an alcoholic beverage.

(E) It shall be unlawful for any person under the age of 21 years to have in his or her possession, any false or fraudulent written, printed, or photostatic evidence of age and identity.

(F) Notwithstanding any other provision contained herein, the possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in

the privacy of a home, is not prohibited by this amendment to Ordinance Number 1127.

(Ord. 1127, passed 3-9-1987; Am. Ord. 1318, passed 4-27-1992; Am. Ord. 2146, passed 10-20-2008) Penalty, see § 110.99

§ 110.52 LOITERING BY MINORS.

It shall be unlawful for any person under the age of 21 years to be present, remain in or loiter in any tavern or other place in the city where alcoholic liquor is sold unless accompanied by his or her parent or guardian; and it shall further be unlawful for any licensee or any officer, associate, member, representative, agent, or employee of such licensee to allow any person under the age of 21 years to be present, remain in, or loiter in any tavern or other place in the city where alcoholic liquor is sold unless accompanied by his or her parent or guardian; provided however that this section shall not apply to package liquor stores or to that portion of bowling alleys or restaurants other than those used primarily for the sale and consumption of alcoholic liquors. (Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.53 PUBLIC CONSUMPTION.

No person shall consume any alcoholic liquor while in or upon public streets, alleys, sidewalks, parking lots, or other public ways, other than on a sidewalk or walkway within a public park. (Ord. 1092, passed 8-12-1985) Penalty, see § 110.99

§ 110.54 OPEN CONTAINER IN PUBLIC.

No person shall be in possession of any glass, can, or open container containing alcoholic liquor on any thoroughfare, street, sidewalk, alley, parking lot, or any other public way, other than on a sidewalk or walkway within a public park. (Ord. 1092, passed 8-12-1985) Penalty, see § 110.99

§ 110.55 LICENSEE MAY NOT PERMIT REMOVAL OF OPEN CONTAINER; SIGN REQUIRED.

(A) No person, firm, or corporation licensed to sell alcoholic liquor, nor the licensee's employees or agents, shall permit any person to remove from such premises, any alcoholic liquor in any open container. (Ord. 1092, passed 8-12-1985)

(B) All premises licensed for the sale of alcoholic liquor shall post a notice at each exit stating that NO BEER, LIQUOR, OR WINE SHALL BE CARRIED IN AN OPEN CONTAINER OUT OF THIS BUILDING.

(Ord. 1092, passed 8-12-1985; Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.56 OPEN CONTAINER IN MOTOR VEHICLE.

No person shall have in his or her possession an open container containing alcoholic liquor within or on a motor vehicle, including motorcycle, while parked or standing on a public street or public parking lot in the city, or while such vehicle is in motion. (Ord. 1092, passed 8-12-1985) Penalty, see § 110.99

§ 110.57 INSPECTIONS.

It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of any police officer, the health officer or any member of the City Council for the purpose of making an inspection for such premises or any part thereof.

(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.99 PENALTY.

(A) Any person, firm or corporation violating any provision of this chapter for which no specific penalty is otherwise provided shall be fined not less

than \$25 nor more than \$750 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition thereto, the Liquor Commissioner may suspend for not more than 30 days or revoke for cause any license for any violation of any provisions of this chapter, or for any violation of any state law pertaining to the sale of alcoholic liquor as provided by law.

(Ord. 1127, passed 3-9-1987; Am. Ord. 2146, passed 10-20-2008)

(B) Any person who violates the provisions of § 110.51 shall be fined not less than \$200 and not more than \$500.

(Ord. 1318, passed 4-27-1992)

(C) Any person, firm, or corporation violating any provision of §§ 110.53 through 110.56 shall be fined not less than \$100 and no more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition thereto, the Liquor Commissioner may suspend for not more than 30 days or revoke for cause, any license for any violation by a licensee and/or agent of a licensee of any provision of §§ 110.53 through 110.56.

(Ord. 1092, passed 8-12-1985; Am. Ord. 1690, passed 12-13-1999)

CHAPTER 111: PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

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CHARITABLE SOLICITATIONS

§ 111.01 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT OF SOLICITATION FOR CHARITY ACT.

The Solicitation for Charity Act of the State of Illinois as set forth in ILCS Ch. 225, Act 460 as it exists on July 25, 2011 or as hereafter amended from time to time.

CHARITABLE ORGANIZATION. Any person soliciting contributions for any charitable purpose, whether or not such contribution entails the incidental purchase of goods.

CHARITABLE PURPOSE. Any charitable, benevolent, religious, educational, philanthropic, patriotic or eleemosynary purpose.

CONTRIBUTION. The payment, gift, promise or grant of any money or property of any kind or value.

DOOR-TO-DOOR. Going from traveling upon the right-of-way of the city, going from structure-to-structure or from house-to-house on private property.

PROFESSIONAL FUNDRAISERS. Persons who, for compensation or other consideration, plan, conduct, manage or carry on any drive or campaign in the city for the purpose of soliciting contributions for or on behalf of any charitable organization or any other person; or who engage in the business or, or hold themselves out to persons in the city as independently engaged in the business of soliciting contributions for such purposes. Bona fide offers or employees of a charitable organization shall not be deemed **PROFESSIONAL FUNDRAISERS** unless their salary or other compensation is computed on the basis of funds to be raised, or actually raised.

PROFESSIONAL SOLICITOR. Any such person who is employed or retained for compensation by a professional fundraiser to solicit contributions for charitable purposes from persons in the city.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.02 PERMIT REQUIRED.

(A) It shall be unlawful for any charitable organization to solicit contributions for any charitable purpose by going door-to-door without first having filed an application or registration statement with the City Clerk and having obtained a permit for such solicitation as provided in this chapter.

(B) The permitting requirement of this chapter shall not apply to persons 18 years old or less.

(C) The charge for a permit for any charitable purpose shall be \$1, provided that the permit shall

authorize 3 days of solicitation in a 1-year period; in the event that the charitable purpose and permit requested is intended to apply for the annual period to more than 3 days, then the charge for any annual permit shall be \$50 for a charitable purpose.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011) Penalty, see § 111.99

§ 111.03 APPLICATION; REGISTRATION STATEMENT.

(A) Every charitable organization which solicits or intends to solicit contribution by going door-to-door from persons in the city shall, prior to any collection, file with the City Clerk a true and accurate copy of the registration statement required by the State of Illinois Solicitation for Charity Act (ILCS Ch. 225, Act 460) (the "Act") or a letter from the Illinois Attorney General's Office that their organization is not required to register with the State of Illinois under the Act, or provide other appropriate evidence deemed satisfactory in the reasonable discretion of the City Council that the purpose of the application is a charitable purpose solicitation. Every charitable organization must fill out an application form as supplied by the City Clerk.

(B) A person may submit a single application, which includes more than 1 agent or employee going door-to-door. In this case, the applicant shall be responsible for the acts of each person soliciting under the applicant's registration permit.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011) Penalty, see § 111.99

§ 111.04 REVIEW AND INVESTIGATION.

The City Clerk shall refer all applications or registration statements to the Police Department for review of the criminal history of each named solicitor.

(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.05 ISSUANCE UPON RECEIVING REPORTS.

Following completion of the application in full, and following receipt of the record of review by the LaSalle Police Department, the City Clerk shall process the application and present it to the City Council as soon as reasonably possible within no more than 21 days for consideration by the City Council. The City Council shall consider the application for permit for door-to-door solicitation by the charitable organization, and for each person soliciting for such organization as soon as reasonably possible, and the City Council shall grant the permit if the City Council within its exercise of reasonable discretion deems the application to be in order, further provided that there is not a rational reasonable basis to deny the application; with it being expressly provided that no person soliciting for any such charitable purpose for any charitable organization shall have within 10 years of the date of application been either convicted of any felony or convicted of violating any law or ordinance based upon charges concerning the use of sales, subscription or soliciting methods or undue pressure or misrepresentation regarding solicitation and/or sales.

(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.06 REVOCATION.

Permits issued pursuant to this subchapter shall be suspended, revoked or denied after the issuing authority has made a finding that such persons have in the city used sales, subscription, or soliciting methods involving disorderly conduct, assault or battery, trespass to land, undue pressure, fraud, misrepresentation, false or misleading statements, or felonies involving bodily injury or theft. Such a revocation shall be in writing, setting forth the reasons for revocation and shall not be effective until received by the charitable organization or persons holding permits. Certified United States Postal Service mailing is proof of service. Revocation of a charitable organization permit requires the City

Clerk to notify persons soliciting for the charitable organization.

(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.07 APPEAL OF PERMIT DENIAL OR REVOCATION.

(A) In the event the City Council shall deny the application for a solicitation permit or suspend or revoke a permit for a charitable purpose application, then the party who has been denied a permit and/or had the permit suspended or revoked, shall have the opportunity to appeal the denial suspension and/or revocation for reconsideration of the City Council. Any such appeal must be written and filed with the City Clerk's office within 21 days after the date of the denial of application or suspension or revocation of the permit and/or license by the City of LaSalle, and shall contain a specific request for an appeal hearing and reconsideration by the City Council.

(B) If a hearing is requested, the City Council shall schedule a hearing to be held within 30 days of receipt of the written appeal. The appealing party shall have the right to file additional documents, amend the written appeal, and to appear at such hearing in person, or by attorney, or otherwise to examine and cross-examine witnesses.

(C) The City Council shall not be bound by the rules of evidence prevailing in the courts of law but shall in ascertaining the conditions and practices involved in the decision appealed, take into account all reliable, probative and substantial evidence produced at the hearing relating to the denial of the application and/or revocation of the permit and/or license.

(D) Additionally, the denial of any such appeal by the City Council shall be subject to further appeal to the Circuit Court of LaSalle County pursuant to procedures had and made in reference to appeals of decisions of administrative bodies in connection with administrative review, with it further being provided that any such appeal must be filed within 35 days of notice of the denial of the appeal.

(Ord. 2287, passed 7-25-2011)

TRANSIENT MERCHANTS**§ 111.15 DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL SOLICITOR OR DOOR-TO-DOOR SALESPERSON. Any person, whether a resident of the city or not, traveling from place-to-place, from house-to-house, from building-to-building, or from street-to-street, and selling goods or taking or attempting to take orders for sale of goods for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of each sale or whether he or she is collecting advance payments on such sales or not. The principal focus of this definition is a person selling on a door-to-door basis without invitation to the occupant on the premises. This definition shall not include any person who:

(1) Sells or attempts to sell goods or services at a meeting which has been arranged in advance of the solicitation; or

(2) Is an itinerant merchant; or

(3) Is a peddler.

DOOR-TO-DOOR. Going from traveling upon the right-of-way of the city, going from structure-to-structure, or from house-to-house on private property.

GARAGE SALE. A sale in a residential area of used items, goods and wares legally owned by, or on consignment to, the person actually residing on the premises upon which such sale is held.

GROUP SALES EVENTS. A temporary event of 3 consecutive days or less at a fixed location consisting of contiguous selling areas, sponsored or arranged by a person and which includes 5 or more transient merchants, commonly known as a **FLEA**

MARKET, ANTIQUE SHOW, CRAFT SHOW, or other gathering of merchants at a location for 3 days or less, however such gathering is titled.

ITINERANT MERCHANT. Any person, whether as owner, agent, or employee, whether a resident of the city or not, who is in the business of selling or taking orders for the sale of good within the city for a temporary period of time or less than 30 days in any calendar year and who, in furtherance of such purpose, hires, leases, uses or occupies any fixed location within the city for the exhibition and sale of such goods or services. Any person who is unable to produce written documentation of the right to occupy the fixed location for 30 days or longer to the City Clerk within 5 days of a request by the Clerk shall be presumed to be an **ITINERANT MERCHANT**. This definition shall not include any person who:

(1) Is a commercial solicitor;

(2) Is a peddler; or

(3) Sells or attempts to sell goods or services at a meeting which has been prearranged of the sale.

PEDDLER. Any person, whether a resident of the city or not, traveling from place-to-place, from house-to-house, from building-to-building, or from street-to-street, and offering or exposing the goods for sale on the public right-of-way, or making sales and delivering articles to purchasers on the public right-of-way, or who, without traveling from place-to-place, shall sell or offer the same for sale from a wagon, bicycle, automotive vehicle, railroad car, or other vehicle or conveyance on the public right-of-way. This definition shall not include a person who:

(1) Is an itinerant merchant; and

(2) Is a commercial solicitor.

SPONSOR. A person who coordinates, produces or arranges an event at which 5 or more transient merchants sell goods from a fixed location for a temporary period of time.

TRANSIENT MERCHANT. A commercial solicitor, peddler or itinerant merchant.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.16 LICENSE REQUIRED.

(A) No person shall engage in or attempt to engage in the business of a transient merchant within the city without first obtaining a transient merchant license classified as either a transient merchant peddler, transient merchant itinerant merchant, transient merchant, commercial solicitor, or transient merchant group sales and paying the required fees for such license.

(B) The following conditions shall apply to each transient merchant license issued:

(1) A transient merchant who is a peddler may only sell goods consistent with the regulations contained in this subchapter and only along the rights-of-way of the city in the area specified in the application.

(2) A transient merchant who is an itinerant merchant may only sell goods consistent with the regulations contained in this subchapter and only from a fixed location within the city upon private property which complies with all zoning and building safety requirements of this code.

(3) A transient merchant who is a commercial solicitor may only sell goods consistent with the regulations contained in this subchapter and only by means of door-to-door solicitation.

(4) A transient merchant who is requesting a group sales event license may only sell goods consistent with the regulations contained in this subchapter and only from a fixed location on public or private property which complies with all zoning and building requirements of this code.

(C) No person licensed as a transient merchant shall violate the conditions, terms or limitations of such license.

(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.17 EXEMPTIONS FROM LICENSING.

The following classes of sales shall not be required to obtain and pay for a license, however, shall still be subject to the regulations contained in §§ 111.35 through 111.49 which would otherwise be applicable to the person's activity:

(A) *Garage sale.* The licensing requirements of this subchapter shall not be construed as applying to any garage sale, which garage sales are regulated by other ordinances of the City of LaSalle.

(B) *Charitable sales.* The licensing requirements of this subchapter shall not apply to any persons who are making sales from a stationary location not on the public right-of-way, the entire proceeds (less expenses of the sale or spoliation) and profits from which are legally required to be transferred to an entity which is tax exempt under the Internal Revenue Code of the United States, or which otherwise holds a charitable solicitations permit issued by the city unless specifically set forth herein. Any person claiming such exemption shall provide the tax exemption number to the City Clerk.

(C) *Sponsored by group sales licensee.* The licensing requirements of this subchapter shall not apply to any individual person who would otherwise be required to obtain a license under this subchapter if such person is a participant in a group sales event if such person obtains a duplicate license by being listed as a person operating under the sponsorship of 1 who has a group sales event license as a transient merchant to engage in such business within the city and such licensee undertakes to be responsible for any such persons so sponsored for any violating of the provisions of the ordinances of the city and laws of the state regulating and concerning the sales of goods.

(D) *Special events on adjacent property.* The licensing requirements of this subchapter shall not apply to persons conducting sales pursuant to a special events permit, issued by the city, on public right-of-way adjacent to or within 400 feet as the permanent retail business of the applicant. The issuance of a special events permit shall permit sales from these locations on the public right-of-way, subject to the requirements of conditions of the permits.

(E) *Additional locations.* Merchants shall not be required to apply for or receive a separate itinerant merchant's license for temporary locations on public or private property if such merchant has operated a business at a fixed location within the city for at least 30 consecutive days prior to activity at a temporary location.

(F) *Arts, crafts and baked goods.* The licensing requirements of this subchapter shall not apply to any itinerant merchant selling goods manufactured by that person, including arts, crafts and baked goods, providing the person for the purpose of this exemption shall apply to individuals who apply artistic or artisan skills to produce a product from raw materials.

(G) *Trade shows.* The licensing requirements of this subchapter shall not apply to persons selling goods to other merchants at trade shows or conventions where attendance is generally restricted to those merchants in a particular trade or discipline.

(H) *State agency property.* The licensing requirements of this subchapter shall not apply to persons in the process of selling goods or property owned or under the control of any state agency if such person has the permission of such entity to sell such goods.

(I) *Public or private schools.* The licensing requirements of this subchapter shall not apply to persons or public or private schools that are accredited by the State of Illinois, while engaged in fundraising for these organizations.

(J) *Youth organizations.* The licensing requirements of this subchapter shall not apply to solicitations for the primary benefit of youth organizations.

(K) *Not-for-profit.* The licensing requirements of these portions of this subchapter shall not apply to organizations classified as not-for-profit, which are soliciting for a charitable purpose as that term is defined in § 111.01. Not-for-profit and charitable organizations are still subject to other provisions of this chapter, including but not limited to the provisions in reference to the obtaining of a permit as provided in §§ 111.02 through 111.05 inclusive, and the provisions and regulations as set forth in §§ 111.35 through 111.49 herein.

(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.18 APPLICATION.

Before a license may be issued under this subchapter, a written sworn application signed by the applicant, a copy of written receipt form, a copy of a state sales tax certificate, and a copy of notice of cancellation form shall be submitted to the City Clerk.

(A) In the case of group sales event applications, the sponsor shall, in addition to the information required of the sponsor as applicant, provide the information for each transient merchant participant.

(B) The sponsor of a group sales event may apply for a group transient merchant's license. In this case, the sponsor shall be responsible for compliance of participants with the requirements of this chapter.

(C) Each separate location under which an itinerant merchant conducts business shall require a separate license.

(D) The fees for each permit shall be \$75 for the permit as to a single day; \$250 for a permit for 1 month; and \$750 for a permit for 1 year; except

that a permit being issued pursuant to this chapter to an applicant that has a fixed business location within the City of LaSalle, that has existed for at least 90 consecutive days at that location prior to the application for the permit shall be in the amount of \$50 per year, provided that a permit issued pursuant to this exception shall also terminate automatically on the day following the day on which the applicant no longer conducts business from the aforesaid fixed location within the City of LaSalle.

(E) Upon following completion of the application by the applicant, the City Clerk shall initially refer all applications or registration statements to the Police Department for review of the criminal history of each named applicant, and of each representative of the applicant named within the application as an individual who may be involved in solicitation. Following completion of the application in full and receipt of the record review from the Police Department, the City Clerk shall process the application and present it to the City Council as soon as reasonably possible within not more than 21 days for consideration by the City Council. The City Council shall consider the application for permit for door-to-door solicitation by the applicant, and for each person soliciting for such organization as soon as reasonable possible and the City Council shall grant the permit, provided that the City Council within its exercise of reasonable discretion deems the application to be in order, further provided that there is not a rational reasonable basis to deny the application; with it being expressly provided that no person soliciting for any applicant shall have within 10 years of the date of application been either convicted of any felony or convicted of violating any law or ordinance based upon charges concerning the use of sales, subscription or soliciting methods or undue pressure, or misrepresentation, regarding solicitation and/or sales.

(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.19 APPEAL OF PERMIT DENIAL OR REVOCATION.

(A) In the event the event the City Council shall deny the application for a solicitation permit or

suspend or revoke a permit and/or license, then the party who has been denied a permit and/or had the permit and/or license suspended or revoked, shall have the opportunity to appeal the denial and/or suspension and/or revocation for reconsideration of the City Council. Any such appeal must be written and filed with the City Clerk's office within 21 days after the date of the denial of application or suspension or revocation of the permit and/or license by the City of LaSalle, and shall contain a specific request for an appeal hearing and reconsideration by the City Council.

(B) If a hearing is requested, the City Council shall schedule a hearing to be held within 30 days of receipt of the written appeal. The appealing party shall have the right to file additional documents, amend the written appeal, and to appear at such hearing in person, or by attorney, or otherwise to examine and cross-examine witnesses.

(C) The City Council shall not be bound by the rules of evidence prevailing in the courts of law but shall in ascertaining the conditions and practices involved in the decision appealed, take into account all reliable, probative and substantial evidence produced at the hearing relating to the denial of the application and/or revocation of the permit and/or license.

(D) The appealing party may supply, at its own cost, a court reporter.

(E) The written decision of the City Council shall be made and shall be made available to the appealing party within 10 days after the hearing on the appeal is concluded.

(F) Additionally, the denial of any such appeal by the City Council shall be subject to further appeal to the Circuit Court of LaSalle County pursuant to procedures had and made in reference to appeals of decisions of administrative bodies in connection with administrative review, with it further being provided that any such appeal must be filed within 35 days of notice of the denial of the appeal.

(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.20 DESIGNATION OF AGENT FOR SERVICE OF PROCESS PREREQUISITE TO ISSUANCE.

For transient merchants without registered agents in the state to accept service of process or who do not reside within the state, before any license shall be issued under this subchapter, the applicant shall file with the City Clerk an instrument nominating and appointing the City Clerk, or the person performing the duties of such position, his or her true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of the applicant in respect to any matters connected with or arising out of the business transacted under the license and the bond given as required by this subchapter, or for the performance of the conditions of the bond or for any breach thereof, which instrument shall also contain recitals to the effect that the applicant for the license consents and agrees the service of any notice or process may be made upon the agent, and when so made shall be taken and held to be as valid as if personally served upon the person applying for the license under this subchapter, according to the law of this or any other state, and waiving all claim or right of error by reasons of such acknowledgment of service or manner of service. Immediately upon service of process upon the City Clerk as provided herein, the City Clerk shall send to the licensee at his or her last known address, by certified mail, return receipt requested, a copy of the process.

(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.21 BONDS PREREQUISITE TO ISSUANCE.

Before any license shall be issued in the city under this subchapter, the applicant shall file with the City Clerk a bond with guarantees running to the city in the sum of \$2,000 executed by the applicant, as principal, with good and sufficient sureties upon which service of process may be made in the state. Such bond shall be secured by cash deposit or a surety bond of \$2,000 with the City Clerk's office. Such bond shall be conditioned upon the undertaking

that the applicant shall comply fully with all the provisions of the ordinances of the city and the statutes of the state, regulating and concerning the sale of goods, wares and merchandise, or laws requiring the payment of sales taxes or other fees imposed by law, and payment of all fees or taxes owed by the applicant and judgments rendered against the applicant for any violation of the ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him or her by a person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether such misrepresentations or deceptions were made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the city to the use of the aggrieved person or by the city if for the collection of taxes or fees. Such bond must be approved by the City Attorney, both as to form and as to the responsibility of the sureties thereon. The bond shall be in force and effect for a 2-year period after application. The City Clerk shall transfer the deposit or bond to the Attorney General of this state within 14 days after the applicant ceases to do business in its jurisdiction, and the Attorney General shall hold such deposit or bond for 2 years for the benefit of any person who suffers loss or damage as a result of the purchase of merchandise from the person licensed under this subchapter or as a result of the negligent or intentionally tortuous act of the person licensed under this subchapter. The Attorney General shall pay any portion of the bond or deposit to any person in accordance with the order of a court without making an independent finding as to the amount of the bond or deposit that is payable to that person. Any balance of the deposit that is payable to that person. Any balance of the deposit held by the Attorney General 2 years after the expiration of a license held by a person or entity shall be refunded to the same. The licenses issued under this subchapter shall expire on December 31 of the year it was issued.

(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.22 DEALING WITH SUSPENSION/REVOCATION.

Permits issued by this subchapter may be suspended or revoked by the City Council if any applicant or agent thereof has within 10 years prior to the application and/or at any time during the issuance of the permit, been either convicted of any felony or convicted of violating any law or ordinance based upon charges concerning the use of sales, subscription or soliciting methods involving disorderly conduct, assault or battery, trespass to land, undue pressure, misrepresentation, false or misleading statement of fraud related to the violation of any such law or ordinance regarding such matters, or has been convicted of any ordinances or laws related to licensing, zoning, building safety, or the payment of sales tax, or does not possess a certificate of registration when required by the State of Illinois Retailers Occupation Tax, or fails to provide information required by § 111.18. Appeals of any suspension or revocation may be pursuant to § 111.19 above.

(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

REGULATIONS FOR CHARITABLE SOLICITATIONS AND TRANSIENT MERCHANTS

§ 111.35 REFUSING TO LEAVE PREMISES; POSTING OF PREMISE FOR NO SOLICITATION; DUTY OF SOLICITOR.

(A) It shall be unlawful for any charitable solicitor or transient merchant to enter or attempt to enter or fail to immediately leave a residence in the city after the owner or occupant thereof has requested such person to leave.

(B) Any person who desires to exclude the presence of commercial or charitable solicitors from the premises, which he or she occupies, shall give notice for such solicitors by posting an easily

readable notice on or near the main or front entrance to the premises. Such notice may exclude all solicitors or a class of solicitors.

(C) It shall be the duty of each solicitor to examine and look for, on or near the main entrance to each premises, the notice that all solicitors or a class of solicitors are prohibited from the premises.

(D) No commercial or charitable solicitor shall ring the door bell or knock on any door or window for the purpose of securing personal contact with the occupant of a residence, or attempt any sale or solicitation when the owner or occupant thereof has prominently displayed a "NO SOLICITORS" sign or a sign to that effect on or near the main or front entrance to such premises.

(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011) Penalty, see § 111.99

§ 111.36 USE OF RESIDENTIAL STREETS FOR SELLING PROHIBITED; EXCEPTION FOR PEDDLERS, COMMERCIAL SOLICITORS AND PERMIT HOLDERS.

(A) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **BLOCK.** That portion of a residential street lying between the 2 nearest intersecting or intercepting street and railroad right-of-way, waterway, unsubdivided area, or other definite boundary.

(2) **RESIDENTIAL STREET.** The entire width between the boundary lines of every public way located wholly within or immediately adjacent to any area of the city classified as a residential zoning district of LaSalle, Illinois, as such districts or maps, from time to time, be amended.

(B) *Prohibition of sales on residential streets.* Except as otherwise provided in this section, it shall be unlawful for any transient merchant to use any

residential street or sidewalk for the purpose of offering or exposing goods for sale, or of making sales and delivering such goods to any purchaser.

(C) *Exceptions.* The provisions of this section shall not apply to the following:

(1) *Peddlers and persons exempt from transient merchant's license.* Any peddler duly licensed as such in accordance with this chapter or any peddler otherwise exempt from the requirement to obtain a transient merchant license.

(2) *Permits for specific areas: food peddlers.* Any person duly licensed as a peddler of food products in accordance with this chapter or otherwise exempt from the requirements for such license may use a specifically defined portion or area of a residential street or other public property pursuant to a valid permit issued by the City Clerk of the city for such specific location.

(a) As a condition to the issuance of any such permit under this exemption, every applicant shall specifically agree to the following:

1. That such applicant shall not occupy any portion of the available sidewalk or roadway width;

2. That such applicant shall not use or employ any electronic or other amplified noises in conducting such business at any such location, except that ice cream vendors may employ the use of music at reasonable levels;

3. That such applicant shall not use or employ any signs other than those permanently affixed to the vehicle, if any, and shall not otherwise use or employ canopies, umbrellas or other appurtenances except as may be necessary in the event of inclement weather;

4. That such applicant may engage in such business only during the hours permitted; as set out in § 111.46;

5. That such applicant shall collect all trash and other debris accumulating within 100 feet of any such location. If such debris is not collected within 60 minutes after the conclusion of such daily sales, the city may arrange for such clean-up and the permit holder shall pay to the city the full cost for the clean-up before commencing any future sales under the transient merchant's license.

(b) In the event that more than 2 persons desire to use such area at the same time, such use shall be apportioned to such permit holders desiring such use on a fair and equitable basis under such rules and regulations therefor as may, from time to time, be determined and promulgated by the City Clerk, who is hereby authorized to promulgate such rules and regulations.

(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.37 NOTICE OF CANCELLATION.

(A) This chapter shall also be governed by the Business Transaction Act, ILCS Ch. 815, Act 5, as it exists on date of passage of this chapter or as it hereafter amended from time to time, and Part 429.0 – Rule Concerning Cooling-Off Period For the Sales Made at Homes or at Certain Other Locations of the Federal Trade Commission.

(B) Where a sale of merchandise involving \$25 or more is made or contracted to be made whether under a single contract or under multiple contracts, to a consumer by a seller who is physically present at the consumer's residence, that consumer may avoid the contract or transaction by notifying the seller within 3 full business days following that day on which the contract was signed or the sale was made, and by returning to the person in its original condition, any merchandise delivered to the consumer under the contract or sale. At the time the transaction is made or the contract signed, the person shall furnish the consumer with a fully completed receipt or contract pertaining to the transaction, in substantially the same language as that principally used in oral presentation to the

consumer, containing a "Notice of Cancellation" informing the consumer that he or she may cancel transaction at any time within 3 days and showing the date of the transaction with the name and address of the person, and in immediate proximity to the space reserved in contract for the consumer's signature or on the front page of the receipt if a contract is not used, a statement shall be in bold face type, in at least 10-point type and in substantially the following form:

YOU THE CONSUMER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FOR AN EXPLANATION OF THIS RIGHT.

Attached to the receipt or contract shall be a completed form in duplicate, captioned "NOTICE OF CANCELLATION" which shall be easily detachable and which shall contain in 10-point bold face type the following information and statements in the same language as that used in the contract:

NOTICE OF CANCELLATION
(Enter date of transaction)
(Date)

YOU MAY CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN 3 BUSINESS DAYS FROM THE ABOVE DATE.

IF YOU CANCEL, ANY PROPERTY TRADED IN, ANY PAYMENTS MADE BY YOU, AND ANY NEGOTIABLE INSTRUMENT EXECUTED BY YOU UNDER THE CONTRACT OR TRANSACTION WILL BE RETURNED WITHIN 10 BUSINESS DAYS FOLLOWING RECEIPT BY THE SELLER OF YOUR CANCELLATION NOTICE, AND ANY SECURITY INTEREST ARISING OUT OF TRANSACTION WILL BE CANCELED.

IF YOU CANCEL, YOU MUST MAKE AVAILABLE TO THE SELLER AT YOUR RESIDENCE IN SUBSTANTIALLY AS GOOD A CONDITION AS WHEN RECEIVED, ANY GOODS DELIVERED TO YOU UNDER THE CONTRACT OR TRANSACTION, OR YOU MAY, IF YOU WISH, COMPLY WITH THE INSTRUCTIONS OF THE SELLER REGARDING THE RETURN SHIPMENT OF THE GOODS AT THE SELLER'S EXPENSE AND RISK.

IF YOU MAKE THE GOODS AVAILABLE TO THE SELLER AND THE SELLER DOES NOT PICK THEM UP WITHIN 20 DAYS OF THE DATE OF YOUR NOTICE OF CANCELLATION, YOU MAY RETAIN OR DISPOSE OF THE GOODS WITHOUT ANY FURTHER OBLIGATION. IF YOU FAIL TO MAKE THE GOODS AVAILABLE TO THE SELLER, OR IF YOU AGREE TO RETURN THE GOODS TO THE SELLER AND FAIL TO DO SO, THEN YOU REMAIN LIABLE FOR PERFORMANCE OF ALL OBLIGATIONS UNDER THE CONTRACT.

TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A SIGNED AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER WRITTEN NOTICE OR SEND A TELEGRAM, TO (Name of Seller), AT (Address of Seller's place of business) NOT LATER THAN MIDNIGHT OF (date).

I HEREBY CANCEL THIS TRANSACTION.
(date)
(Buyer's Signature)

(C) Such written “Notice of Cancellation” may be sent by the consumer to the person to cancel the contract. The 3-day period provided for in this section does not commence until the consumer is furnished a “Notice of Cancellation,” and the address at which such notice to the seller can be given. If those conditions are met, the seller must return to the consumer the full amount of any payment made or consideration given under the contract or for the merchandise. It is an unlawful practice within the meaning of this Act for any person to:

(1) Fail, before furnishing copies of the “Notice of Cancellation” to the consumer, to complete the copies by entering the name of the person, the address of the person’s place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the consumer may give notice of cancellation;

(2) Include in any contract or receipt under this section any confession of judgment or any waiver of any of the rights to which the consumer is entitled under this section including specifically his or her right to cancel the transaction in accordance with the provisions of this section;

(3) Fail to inform each consumer orally, at the time he or she signs the contract or purchases or leases the goods or services, of his or her right to cancel;

(4) Misrepresent in any manner the consumer’s right to cancel;

(5) Use any undue influence, coercion or any other willful act or representation to interfere with the consumer’s exercise of his or her rights under this section;

(6) Fail or refuse to honor any valid notice of cancellation by a consumer and within 10 business days after the receipt of such notice, to:

(a) Refund all payments made under the contract or sale,

(b) Return any goods or property traded in, in substantially as good a condition as when received by the person, or

(c) Cancel and return any negotiable instrument executed by the consumer in connection with the contract or transaction and take any action necessary or appropriate to terminate promptly any security interest created in the transaction;

(7) Negotiate, transfer, sell, or assign any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased or leased; or

(8) Fail, within 10 business days of receipt of the consumer’s notice of cancellation, to notify him or her whether the seller intends to repossess or to abandon any shipped or delivered goods.

(D) For the purposes of this section, the word “sale” includes a sale, lease or rental. (Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.38 MOTOR VEHICLE OPERATION AND INSURANCE.

No permit or license of any type shall be issued pursuant to any provision of this subchapter unless the applicant shall provide, in connection with the application, appropriate proof to the city that in reference to the operation of any motor vehicle involved in the applicant’s solicitation process that the applicant is insured in an amount not less than the amount required by the State of Illinois in reference to vehicular insurance, and further provided that the applicant shall otherwise provide to the City Council any additional evidence of insurance as the City Council deems appropriate and necessary in the exercise of reasonable discretion, considering the circumstances involved within the applicant’s request for permit or license. (Ord. 2287, passed 7-25-2011)

§ 111.39 TRANSACTIONS TO WHICH PROVISIONS DO NOT APPLY.

This subchapter does not apply to any transaction:

(A) Made pursuant to prior negotiations in the course of a visit by the consumer to a retail business establishment having a fixed permanent location where the goods are exhibited, or the services are offered, for sale or lease on a continuing basis;

(B) In which the consumer is accorded the right of rescission by the provisions of the Consumer Credit Protection Act (15 U.S.C. § 1635) or regulations issued pursuant thereto;

(C) In which the consumer has initiated the contact the goods or services are needed to meet a bona fide immediate personal emergency of the consumer, and the consumer furnishes the person with a separate dated and signed personal statement in the consumer's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale within 3 business days;

(D) Conducted and consummated entirely by mail or telephone without any other contact between the consumer and the person or its representative prior to delivery of the goods or performance of the services;

(E) In which the consumer has initiated the contact and specifically requested the person to visit his or her home for the purpose of repairing or performing maintenance upon the consumer's personal property, on the condition that if, in the course of such a visit, the person sells the consumer the right to receive additional services or goods other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of those additional goods or services does not fall within this exclusion; or

(F) Pertaining to the sale or rental of real property, to the sale of insurance or to the sale of securities or commodities by a broker-dealer

registered with the Securities and Exchange Commission.

(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2287, passed 7-25-2011)

§ 111.40 MOBILITY OF PEDDLER AND COMMERCIAL SOLICITOR.

Except pursuant to § 111.36 or § 111.41, no peddler or commercial solicitor shall remain in the same place or within reasonably close proximity to the same place except when in the act of expeditiously showing goods or expeditiously selling goods to or purchasing goods or taking orders from a customer. Any peddler or commercial solicitor remaining in the same place or reasonably close proximity to the same place upon the public right-of-way for longer than 5 minutes when goods are on display or available for sale without sales activity shall be presumed not to be engaged in expeditiously showing goods or expeditiously selling goods to or purchasing goods or taking orders from a customer.

(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011) Penalty, see § 111.99

§ 111.41 SELLING FROM VEHICLES ON STREETS; SPECIAL EVENTS.

No person shall allow a vehicle or any form of conveyance to remain standing at 1 location on a street or other public property for the purpose of the display for sale or for selling goods or services for longer than 5 minutes at a time.

(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011) Penalty, see § 111.99

§ 111.42 CONGESTED AREAS; LICENSE RESTRICTION.

The City Council hereby determines that on certain dates, congestion in the city of a part of the city will be too great to permit transient merchants or a particular type of transient merchant to conduct

sales within that area. The City Clerk may limit the number and type of transient merchant licenses in a particular area based on projected traffic and pedestrian safety in such cases, the Mayor may determine that all transient merchants or a class thereof shall only sell goods in a particular area. The City Clerk may limit the number and type of licenses available for use in the congested area. The City Clerk may require sales to be made by peddlers only from stationary locations on designated portions of the city's right-of-way or other conditions that serve to enhance public safety in congested areas. The City Clerk shall provide notice to persons who apply for or who have transient merchant license that such licensee is invalid for the times and places stated in the City Clerk's determination. Such notice shall inform such persons of the conditions, if any, and procedure for requesting permission to sell in the congested area. If more than the number of licenses determined by the City Clerk to be available for sales in a congested area are requested, the Clerk shall conduct a lottery for the license use on that date and times. No person shall engage in the business of transient merchant at a time or location for which the City Clerk has determined that permits are limited or in violation of the terms of the congested area conditions, unless such person's license has been validated for sales in a congested area. (Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.43 ZONING AND BUILDING SAFETY RESTRICTIONS AND REGULATIONS; ITINERANT MERCHANTS.

No transient merchant who is an itinerant merchant shall sell goods or services or attempt to sell goods or services, and no transient merchant license shall be issued to an itinerant merchant where the location or premises indicated on the application for the activity is not zoned to permit retail selling activity. The location of the sale shall, in all respects, comply with all zoning regulations for the district and all building safety regulations applicable to the property. (Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011) Penalty, see § 111.99

§ 111.44 STANDING IN DRIVING LANES.

No person shall stand in or enter into the driving lanes or medians of any street for the purpose of selling or attempting to sell goods, or for the purpose of soliciting contributions from persons occupying motor vehicles, except as specifically independently authorized by the City Council. (Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011) Penalty, see § 111.99

§ 111.45 FAILURE TO OBTAIN TRANSIENT MERCHANT LICENSE; HOLDING OF MERCHANDISE.

(A) Any person who makes sales as a transient merchant without having first obtained a license therefor under this chapter or sells in violation of the terms of the license shall apply or reapply for a license under this chapter, and in addition to penalties provided for violation of this chapter, pay the additional fee called for by ordinance.

(B) Any law enforcement officer who finds any person selling goods as a transient merchant without possessing a license therefor or in violation of the terms of such a license may take into possession the goods being sold and the inventory of such person. Such goods shall be held in the custody of the city until such person selling without a license or in violation of the terms of such license obtains a transient merchant license or a new transient merchant license, as the case may be.

(C) If the goods being held pursuant to (B) above are not claimed within 60 days after they are taken into possession by the city, the City Attorney may proceed to seek an order for the sale of the property pursuant to the Transient Merchant Act of 1987 of the State of Illinois (ILCS Ch. 225, Act 465, §§ 1 *et seq.*). (Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.46 TIME LIMITATION.

Solicitations in any residential structure may only be conducted between the hours of 9:00 a.m. and 9:00 p.m. on any day.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.47 DISPLAY OF CERTIFICATE.

Each transient merchant or charitable solicitor or their agents and employees shall at all times while soliciting or canvassing within the city carry upon his or her person the registration certificate identification or license required by this chapter, and shall exhibit the certificate or license upon request to any law enforcement officer or any person upon whom he or she calls.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011) Penalty, see § 111.99

§ 111.48 ACCOUNTABILITY.

(A) The sponsor of a group sales event shall be responsible for the acts of any person selling as part of the group sales event. The sponsor is legally accountable for any violation of law by any such person relating to the requirements of this chapter.

(B) The licensee or permit holder under this chapter or any employee shall be responsible for the acts of any person selling or soliciting on behalf of the licensee or employer. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter shall be deemed the act of such licensee or employer or permit holder. The licensee or employer shall be punishable in the same manner as if the act or omission has been done or omitted by the licensee or employer personally.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.49 RECORDS OF SALES.

Each transient merchant not exempt from remitting taxes on sales shall, if requested by the City Clerk, certify under oath to the City Clerk the total amount of sales in the city and send a copy of the merchant's report of sales to the state under the Retailers Occupation Tax Act. Such information shall be delivered to the City Clerk within 28 days after any request. The City Clerk shall be entitled to examine the records of such merchant in order to verify the proper collection of such taxes.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

§ 111.99 PENALTY.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine in the minimum amount of \$60 and a maximum of \$750 for each offense. A separate offense may be charged for each residence contacted in violation of this chapter, and for each day that a violation occurs and/or continues to exist.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011)

CHAPTER 112: GARAGE SALES

Section

- 112.01 Definitions
- 112.02 Limitations in residential areas
- 112.03 Limitations in commercial areas
- 112.04 Removal of signs
- 112.05 Enforcement

- 112.99 Penalty

§ 112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARAGE SALES. Shall mean and include all sales entitled **GARAGE SALE, LAWN SALE, ATTIC SALE, RUMMAGE SALE, FLEA MARKET SALE**, or any similar sale conducted in a manner wherein there is the sale of tangible personal property which is advertised by any means whereby and/or whereby the public large is or can be made aware of said sale.

GOODS are meant to include any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.

PERSON shall mean and include individuals, partnerships, voluntary associations, and corporations. (Ord. 1861, passed 9-27-2004)

§ 112.02 LIMITATIONS IN RESIDENTIAL AREAS.

It shall be unlawful for any person, owner, or occupant of any property zoned or used for residential purposes to conduct and/or allow garage sales upon

such property in the city for more than 3 garage sales during any 12-month period, each of which garage sales may last up to, but not more than, 3 consecutive calendar days. Any part of a calendar day in which a garage sale is conducted shall constitute 1 day for purposes of this chapter. Additionally, in connection with the 3 allowed garage sales during any 12-month period, it shall be unlawful to have a second garage sale on the next consecutive week following the completion of a prior garage sale during the preceding week. Additionally, nothing contained herein shall be construed as prohibiting the completion of a garage sale that commenced at the end of 1 week and continued into the first or second day of the next week. (i.e., Friday, Saturday, Sunday or Saturday, Sunday, Monday.)
(Ord. 1861, passed 9-27-2004)

§ 112.03 LIMITATIONS IN COMMERCIAL AREAS.

(A) Other than the allowable sales for 3 sales (not to exceed more than 3 days for each of said sales) within a 12-month period as set forth above, any garage sale conducted in an area allowed by commercial zoning, must be conducted in accord with the following regulations:

(1) The sale activity must be conducted and carried on inside a building;

(2) Any building wherein a commercial garage sale is conducted shall have public restroom facilities within the building; and

(3) Any premises on which a commercial garage sale is conducted shall have a minimum of 10 off street parking spaces available to the public on said premises with the exception that any such garage sale conducted in the C-3, Central Business Zoning District, shall not be governed by this division (A)(3).

(B) It shall be unlawful for any person, partnership, association, limited liability company or corporation to conduct, be involved in and/or allow the conducting of any garage sale not in conformity with this division.

(Ord. 1861, passed 9-27-2004)

§ 112.04 REMOVAL OF SIGNS.

In connection with the conduct and/or allowance to be conducted of any garage sale within the city, it shall be unlawful for the owner and/or occupant of any premises on which a garage sale is conducted and/or allowed to be conducted to allow signs regarding advertising any such garage sale to remain posted and/or in place within the city, more than 24 hours following the conclusion of any such garage sale. The City Police Department shall use appropriate, sound discretion on a non-discriminatory basis in enforcing this provision and the other provisions of this chapter.

(Ord. 1861, passed 9-27-2004)

§ 112.05 ENFORCEMENT.

In the event that any garage sale is conducted and/or allowed to be conducted in violation of this chapter, in addition to penalties by means of fine, the city may institute any appropriate action or proceeding to prevent, and/or abate, any garage sale not being conducted lawfully pursuant to this chapter, it being hereby declared that garage sales not conducted in conformity with this chapter shall constitute an additional category of nuisance within the city. In any such action or proceeding the court with jurisdiction thereof may be requested to issue a restraining order or a preliminary injunction, as well as a permanent injunction, upon such terms and other such conditions

as will do justice and enforce the purposes of this chapter. If a permanent injunction is decreed in any such action or proceeding, the court in it's decree may in its discretion allow the city a reasonable sum of money for services of the city that is necessarily incurred in connection with abating the unlawful conduct of said garage sale. This allowance shall be considered a part of the costs of the litigation assessed against the defendant and may be recovered as such. (Ord. 1861, passed 9-27-2004)

§ 112.99 PENALTY.

Any person, partnership, association, limited liability company or corporation found guilty of a violation of this chapter shall be fined not less than \$50 nor more than \$500 for each offense. Each day on which a violation continues or occurs shall be deemed a separate offense.

(Ord. 1861, passed 9-27-2004)

CHAPTER 113: CIGARETTE DEALERS

Section

113.01 License required; application and investigation

113.02 License fee

113.99 Penalty

Cross-reference:

Cigarettes and minors, see § 132.05

re-issuance shall be due and payable on or before the first of May annually. There shall be no fractional division of the license fees in reference to the sale of cigarettes.

(Ord. 1703, passed 4-24-2000)

§ 113.99 PENALTY.

§ 113.01 LICENSE REQUIRED; APPLICATION AND INVESTIGATION.

(A) The City Clerk is hereby authorized to issue licenses to dealers approved by the Mayor permitting the lawful sale of cigarettes.

(B) Every person or entity making application for license to sell cigarettes shall file with the Clerk with the application an affidavit of the applicant's good character and reputation. The Clerk and the Mayor jointly shall determine from the inspection of the affidavit and from other investigation as the Clerk and the Mayor jointly deem appropriate and advisable as to whether the applicant and specifically the person and/or entity is to receive said license. The Mayor shall ultimately determine whether the applicant is a fit person and/or entity. The license shall be issued by the City Clerk as above provided.
(Ord. 1703, passed 4-24-2000)

(A) Any person, firm or corporation violating any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the provisions of § 10.99.

(B) Any person, firm, corporation, partnership or association violating any provision of §§ 113.01 or 113.02 shall be fined not less than \$250 nor more than \$500 and a separate offense shall be deemed committed on each day the violation exists.
(Ord. 1703, passed 4-24-2000)

§ 113.02 LICENSE FEE.

Every applicant for a license to sell cigarettes shall first pay to the City of LaSalle annually commencing with fiscal year beginning May 1, 2000, the sum of \$50 per year and applicants licenses on

CHAPTER 114: RAFFLES

Section

- 114.01 Definitions
- 114.02 License requirements
- 114.03 Multiple raffles
- 114.04 Application
- 114.05 Restrictions on granting of license
- 114.06 Issuance of license; revocation
- 114.07 Conduct of raffles
- 114.08 Raffles Manager
- 114.09 Records
- 114.10 Fee schedule
- 114.11 Extra-territorial jurisdiction
- 114.12 Effective date

- 114.99 Penalty

common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax supported schools.

FRATERNAL. An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

LABOR. An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

§ 114.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial, and civic interests of a community.

CHARITABLE. An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

EDUCATIONAL. An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods

NONPROFIT. An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

PERSON. An individual, firm, organization, public or private corporation, government, partnership or unincorporated association.

RAFFLE. A form of lottery as defined in 28-2(b) of the Criminal Code of 1691, being ILCS Ch. 720, Act. 5, § 28-2(b), conducted by an organization licensed under this chapter in which:

(1) The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, 1 or more of which chances is to be designated the winning chance;

(2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of the persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

RELIGIOUS. Any church, congregation, society or organization founded for the purpose of religious worship.

VETERANS. An organization or association comprised of members of which substantially all are individual who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.
(Ord. 1558, passed 12-18-1995)

§ 114.02 LICENSE REQUIREMENTS.

It shall be unlawful to conduct or operate a raffle or to sell, offer for sale, convey, issue or otherwise transfer for value a chance on a raffle unless the raffle has been licensed in accordance with this chapter.
(Ord. 1558, passed 12-18-1995) Penalty, see § 114.99

§ 114.03 MULTIPLE RAFFLES.

A license issued under this chapter shall apply for all raffles conducted by the licensee during the calendar year for which the license is issued.
(Ord. 1558, passed 12-18-1995)

§ 114.04 APPLICATION.

Any person seeking to conduct or operate a raffle shall file an application therefor made to the Mayor and the City Council, filed with the City Clerk, on forms provided by the city. Said application shall contain the following information:

(A) The name, address and type of organization;

(B) The length of existence of the organization and, if incorporated, the date and state of incorporation;

(C) The name, address, telephone number, social security number and date of birth of the organization's presiding officer, secretary, raffles manager and any other members responsible for the conduct and operation of the raffle;

(D) The estimated annual aggregate retail value of all prizes to be awarded;

(E) The maximum retail value of each prize to be awarded;

(F) The maximum price charged for each raffle chance issued or sold;

(G) The estimated gross annual sales of chances;

(H) The geographic area or areas in which raffle chances will be sold or issued;

(I) The maximum number of days during which raffle chances are sold;

(J) The times and locations at which winning chances will be determined (note: the application may be amended by a telephone call from an officer of the organization to the City Clerk not less than 3 days prior to the drawing and confirmed in writing by the organization);

(K) A sworn statement attesting to the not-for-profit character of the applicant organization, signed by its presiding officer and secretary;

(L) A certificated signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

(Ord. 1558, passed 12-18-1995)

§ 114.05 RESTRICTIONS ON GRANTING OF LICENSE.

No license shall be issued to:

(A) Any person who has been convicted of a felony;

(B) Any person who is or has been a professional gambler or gambling promoter;

(C) Any person who is not of good moral character;

(D) Any organization in which a person defined in (A), (B), or (C) above has a proprietary, equitable, or credit interest, or in which such person is active or employed;

(E) Any organization in which a person defined in (A), (B), or (C) above is an officer, director or employee, whether compensated or not; and

(F) Any organization in which a person defined in (A), (B) or (C) above is to participate in the management or operation of a raffle as defined herein.
(Ord. 1558, passed 12-18-1995)

§ 114.06 ISSUANCE OF LICENSE; REVOCATION.

(A) The Mayor and City Council shall either approve or disapprove each application for issuance of a license within 30 days after the completed application is filed with the City Clerk.

(B) The Mayor and City Council may revoke any license issued by the city if it is determined that the licensee has violated any provision of this chapter.

However, no such license shall be revoked except after a public hearing by the Mayor and City Council with a 3 day written notice to licensee, affording the licensee an opportunity to appear and defend.

(C) The Mayor and City Council shall, within 3 days after such hearing, if they determine after such hearing that the license should be revoked, state the reason or reasons for such determination in a written order of revocation and shall serve a copy of such order within 3 days upon the licensee.

(Ord. 1558, passed 12-18-1995)

§ 114.07 CONDUCT OF RAFFLES.

The operation and conduct of raffles are subject to the following restrictions:

(A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game;

(B) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle;

(C) No person may receive any remuneration or profit for participating in the management or operation of a raffle;

(D) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this chapter;

(E) Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license;

(F) No person under the age of 18 years may participate in the conducting of raffles or chances. A person under the age of 18 years may be within the

area where winning chances are being determined only when accompanied by his or her parent or guardian.

(Ord. 1558, passed 12-18-1995) Penalty, see § 114.99

§ 114.08 RAFFLES MANAGER.

The operation and conduct of a raffle shall be under the supervisor of a single raffle manager designated by the licensee. The manager shall give a fidelity bond equal in the amount to the aggregate retail value of all prizes to be awarded in favor of the licensee conditioned upon his or her honesty in the performance of his or her duties. The terms of the bond shall provide that notice shall be given in writing to the city not less than 30 days prior to its cancellation.

(Ord. 1558, passed 12-18-1995) Penalty, see § 114.99

§ 114.09 RECORDS.

(A) Each licensee shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and the date of payment.

(B) Gross receipts from the operation of raffles shall be segregated from other revenues of the licensee, including bingo gross receipts. If bingo games are also conducted by the same nonprofit organization pursuant to license therefore issued by the State Department of Revenues, proceeds must be placed in a separate account. Each licensee shall keep separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the licensee.

§ 114.99 PENALTY.

(C) Each licensee shall report to its membership and to the city its gross receipts, expenses and net proceeds from the raffle, and the distribution of net proceeds itemized as required herein. Such report shall be made promptly after the conclusion of each raffle.

(D) Raffle records shall be preserved for 3 years and organizations shall make available their records relating to the operation of raffles for public inspection at reasonable times and places.

(Ord. 1558, passed 12-18-1995)

§ 114.10 FEE SCHEDULE.

A licensing fee of \$1 shall be paid to the City Clerk at the time the application for a raffle license is filed. All application fees are nonrefundable even if the license is denied. The license shall be applicable only for the calendar year in which it is issued and there shall be no proration of application fees for any partial calendar year.

(Ord. 1558, passed 12-18-1995)

§ 114.11 EXTRATERRITORIAL JURISDICTION.

Pursuant to the Raffles Act, being ILCS Ch. 230, Act 15 § 2, the Mayor, for and on behalf of the city, may enter into a written contract with any county and/or 1 or more municipalities providing for the establishment of a system for the licensing or organizations to operate raffles within any area of contiguous territory not contained within the city.

(Ord. 1558, passed 12-18-1995)

§ 114.12 EFFECTIVE DATE.

This chapter shall be effective immediately from and after its passage, approval and publication as provided by law.

(Ord. 1558, passed 12-18-1995)

In addition to the provisions herein with respect

to revocation, failure to comply with any of the requirements of this chapter shall constitute a violation; and any person, upon conviction thereof, shall be fined not more than \$500 for each offense. Each day the violation continues shall be considered a separate offense.

(Ord. 1558, passed 12-18-1995)

CHAPTER 115: TELECOMMUNICATIONS

Section

Telecommunications Infrastructure Maintenance Fee

- 115.01 Definitions
- 115.02 Registration of telecommunications providers; duty to update
- 115.03 Municipal telecommunications infrastructure maintenance fee
- 115.04 Collection, enforcement, and administration of telecommunications infrastructure maintenance fees
- 115.05 Compliance with other laws
- 115.06 Effect of provisions on existing franchises, licenses, and the like
- 115.07 Reservation of remedies

Simplified Municipal Telecommunications Tax

- 115.20 Rate change
- 115.21 Effective date

Statutory reference:

Telecommunications Municipal Infrastructure Maintenance Fee Act, see ILCS Ch. 35, Act 635, §§ 1 et seq.

TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE

§ 115.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GROSS CHARGES. The amount paid to a telecommunications retailer for the act or privilege of

originating or receiving telecommunications within the city, and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. **GROSS CHARGES** for private line service shall include charges imposed at each channel point within the city, charges for the channel mileage between each channel point within the city, and charges for that portion of the interstate inter-office channel provided within the city. However, **GROSS CHARGES** shall not include:

(1) Any amounts added to a purchaser's bill because of a charge made under:

- (a) The fee imposed by this section;
- (b) Additional charges added to the purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act (see ILCS Ch. 220, Act 5, §§ 9-202, 9-221, 9-222, and 9-222.1);
- (c) Amounts collected under Section 8-11-17 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, § 8-11-17);
- (d) The tax imposed by the Telecommunications Excise Tax Act (ILCS Ch. 35, Act 630, §§ 1 et seq.);
- (e) 911 surcharges; or

(f) The tax imposed by Section 4251 of the Internal Revenue Code;

(2) Charges for a sent collect telecommunication received outside the city;

(3) Charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content; such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are desegregated and separately identified from other charges;

(5) Charges to business enterprises certified under ILCS Ch. 220, Act 5, § 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the city;

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;

(7) Bad debts (**BAD DEBT** means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards. If the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made.);

(8) Charges paid by inserting coins in coin-operated telecommunications devices; or

(9) Charges for telecommunications and all services and equipment provided to the city.

PUBLIC RIGHT-OF-WAY. Any municipal street, alley, water or public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein the city has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. **PUBLIC RIGHT-OF-WAY** shall not include any real or personal city property that is not specifically described in the previous sentence and shall not include city buildings and other structures or improvements, regardless of whether they are situated in the public right-of-way.

RETAILER MAINTAINING A PLACE OF BUSINESS IN THIS STATE. This or any like term means and includes any retailer having or maintaining within the state, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this state.

SALE OF TELECOMMUNICATIONS AT RETAIL. The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

SERVICE ADDRESS. The location of telecommunications equipment from which telecommunications services are originated or at which

telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, **SERVICE ADDRESS** shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

TELECOMMUNICATIONS. Includes but is not limited to messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, **TELECOMMUNICATIONS** shall also include wireless telecommunications as hereinafter defined. **TELECOMMUNICATIONS** shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. **TELECOMMUNICATIONS** shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. **TELECOMMUNICATIONS** shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. §§ 521 *et seq.*), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the city through an open video system as defined in the rules of the Federal Communications Commission (47 C.F.R. pt. 76.1550 *et seq.*), as now or hereafter amended.

Beginning January 1, 2001, prepaid telephone calling arrangements shall not be considered telecommunications subject to the tax imposed under this Act. For purpose of this section, **PREPAID TELEPHONE CALLING ARRANGEMENTS** means that term as defined in Section 2-27 of the Retailer's Occupation Tax Act.

TELECOMMUNICATIONS PROVIDER.

(1) Any telecommunications retailer; and

(2) Any person that is not a telecommunications retailer that installs, owns, operates or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form.

TELECOMMUNICATIONS RETAILER or **RETAILER** or **CARRIER.** Every person engaged in the business of making sales of telecommunications at retail as defined in this section. The city may, in its discretion, upon application, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this state, who, to the satisfaction of the city, furnishes adequate security to ensure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges of telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within the city.

WIRELESS TELECOMMUNICATIONS.

Includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Pub. L. No. 104-104), 42 U.S.C. § 332(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services. (ILCS Ch. 35, Act 635, § 10) (Ord. 1626, passed 11-3-1997)

**§ 115.02 REGISTRATION OF
TELECOMMUNICATIONS PROVIDERS;
DUTY TO UPDATE.**

(A) Every telecommunications provider as defined by this subchapter shall register with the city within 30 days after the effective date of this subchapter or becoming a telecommunications provider, whichever is later, on a form to be provided by the city, provided, however, that any telecommunications retailer that has filed a return pursuant to § 115.04(C) shall be deemed to have registered in accordance with this section.

(B) Every telecommunications provider who has registered with the city pursuant to division (A) above has an affirmative duty to submit an amended registration form or current return as required by § 115.04(C), as the case may be, to the city within 30 days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file with the city.

(Ord. 1626, passed 11-3-1997)

**§ 115.03 MUNICIPAL TELECOM-
MUNICATIONS INFRASTRUCTURE
MAINTENANCE FEE.**

(A) A city telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of 1% of all gross charges charged by the telecommunications retailer to service addresses within the city for telecommunications originating or received in the city.

(B) Upon the effective date of the infrastructure maintenance fee authorized in this subchapter, the city infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the city by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this subchapter does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.

(C) The city telecommunications infrastructure maintenance fee authorized by this section shall be collected, enforced, and administered as set forth in § 115.04.

(Ord. 1626, passed 11-3-1997)

Statutory reference:

*Limitation on municipal fee, see ILCS Ch. 35,
Act 635, § 20*

**§ 115.04 COLLECTION, ENFORCEMENT,
AND ADMINISTRATION OF
TELECOMMUNICATIONS INFRA-
STRUCTURE MAINTENANCE FEES.**

(A) A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the city infrastructure maintenance fee attributable to that customer's service address.

(B) Unless otherwise approved by the city, the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the city not later than the last day of the month subsequent to the month in which a bill is issued to the customer; provided, however, that the telecommunications retailer may retain an amount not to exceed 2% of the city infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee.

(C) Remittance of the municipal infrastructure fee to the city shall be accompanied by a return, in a form to be prescribed by the city, which shall contain such information as the city may reasonably require.

(D) Any infrastructure maintenance fee required to be collected pursuant to this subchapter and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the city. The charge imposed under division (A) by the telecommunications retailer pursuant to this subchapter shall constitute a debt of the purchaser to

the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.

(E) If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this subchapter, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due or to become due under this subchapter from the telecommunications retailer who made the erroneous payment; provided, however, the city may request, and the telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than 3 years after the date of the erroneous payment unless: (1) the credit is used only to offset a claim of underpayment made by the city within the applicable statutory period of limitations, and (2) the credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.

(F) Amounts paid under this subchapter by telecommunications retailers shall not be included in the tax base under any of the following acts:

(1) Gross charges for purposes of the Telecommunications Excise Tax Act (ILCS Ch. 35, Act 630, §§ 1 *et seq.*);

(2) Gross receipts for purposes of the municipal utility tax as prescribed in Section 8-11-17 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, § 8-11-17);

(3) Gross charges for purposes of the municipal telecommunications tax as prescribed in Section 8-11-17 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, § 8-11-17);

(4) Gross revenue for purposes of the tax on annual gross revenue of public utilities prescribed in ILCS Ch. 220, Act 5, § 2-202, the Public Utilities Act.

(G) The city shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this subchapter to determine whether the telecommunications retailer has properly accounted to the city for the city infrastructure maintenance fee. Any underpayment of the amount of the city infrastructure maintenance fee due to the city by the telecommunications retailer shall be paid to the city plus 5% of the total amount of the underpayment determined in an audit, plus any costs incurred by the city in conducting the audit, in an amount not to exceed 5% of the total amount of the underpayment determined in an audit. Said sum shall be paid to the city within 21 days after the date of issuance of any invoice for same.

(H) The Mayor, or his or her designee, may promulgate such further or additional regulations concerning the administration and enforcement of this subchapter, consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to § 115.02 of such regulations.
(Ord. 1626, passed 11-3-1997) Penalty, § 10.99

§ 115.05 COMPLIANCE WITH OTHER LAWS.

Nothing in this subchapter shall excuse any person or entity from obligations imposed under any law, including but not limited to:

(A) Generally applicable taxes;

(B) Standards for construction on, over, under, or within use of or repair of the public rights-of-way, including standards relating to freestanding towers and other structures upon the public rights-of-way, as provided;

(C) Any liability imposed for the failure to comply with such generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way; and

(D) Compliance with any ordinance or provision of this code concerning uses or structures not located on, over, or within the right-of-way.
(Ord. 1626, passed 11-3-1997)

§ 115.06 EFFECT OF PROVISIONS ON EXISTING FRANCHISES, LICENSES, AND THE LIKE.

(A) *Generally.* Any franchise, license, or similar agreements between telecommunications retailers and the city entered into before the effective date of this subchapter (Ord. 1626, passed 11-3-1997) regarding the use of public rights-of-way shall remain valid according to and for their stated terms except for any fees, charges or other compensation to the extent waived.

(B) *Waiver of franchise fees and the like.*

(1) The city hereby waives all fees, charges, and other compensation that may accrue after the effective date of the waiver to the city by a telecommunications retailer pursuant to any existing city franchise, license or similar agreement with a telecommunications retailer during the time the city imposes the telecommunications infrastructure maintenance fee. This waiver shall only be effective during the time the infrastructure maintenance fee provided for in this subchapter is subject to being lawfully imposed on the telecommunications retailer and collected by the telecommunications retailer from the customer.

(2) The City Clerk shall send a notice of the waiver by certified mail/return receipt requested to each telecommunications retailer with whom the city has a franchise.

(3) The city infrastructure maintenance fee provided for in this subchapter shall become effective and imposed on the first day of the month not less than 90 days after the city provides written notice by certified mail to each telecommunications retailer with whom the city has an existing franchise, license, or

similar agreement that the city waives all compensation under such existing franchises, license, or similar agreement during such time as the fee is subject to being lawfully imposed and collected by the retailer and remitted to the city. The infrastructure maintenance fee shall apply to gross charges billed on or after the effective date as established in the preceding sentence.

(Ord. 1626, passed 11-3-1997) Penalty, § 10.99

§ 115.07 RESERVATION OF REMEDIES.

Nothing in this subchapter shall be construed as limiting any additional or further remedies that the city may have for enforcement of this subchapter.
(Ord. 1626, passed 11-3-1997)

***SIMPLIFIED MUNICIPAL
TELECOMMUNICATIONS TAX***

§ 115.20 RATE CHANGE.

The rate of the simplified municipal telecommunications tax imposed under the provisions of the Simplified Municipal Telecommunications Tax Act, being ILCS Ch. 35, Act 636, is hereby changed to 6%.

(Ord. 1780, passed 9-16-2002)

§ 115.21 EFFECTIVE DATE.

This subchapter shall be in full force and effect from and after its passage and approval and publication in pamphlet form as required by law, provided, however, that § 115.20 shall take effect for all gross charges billed by telecommunications retailers on and after the first day of January, 2003.

(Ord. 1780, passed 9-16-2002)

CHAPTER 116: CABLE TELEVISION FRANCHISE

Section

General Provisions

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- 116.01 Short title
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- 116.03 Definitions
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GENERAL PROVISIONS

§ 116.01 SHORT TITLE.

This chapter shall be known as and may be cited as the City of LaSalle, Illinois Cable Television Franchise Ordinance.
(Ord. 1416, passed 5-25-1993)

§ 116.02 PURPOSE.

The purposes of this chapter are:

(A) To establish the terms and conditions under which a cable television system within the city must operate;

(B) To provide for the payment of a franchise fee to the city for the use of city streets and other public rights-of-way and compensate the city for costs associated with administering and regulating the system; and;

(C) To grant a cable television franchise to United Cable Television of Illinois Valley, Inc. It is agreed that should the company engage in a business activity which is in direct competition with another business that is franchised by the city beginning on a date commencing after the effective date of this chapter the franchise fees paid by the company on any and all revenues attributable to that line of business shall be equal to the franchise fees paid to the city by

Franchise Terms; Operation of System

- 116.20 Grant of franchise
- 116.21 Use of municipal streets
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- 116.39 Termination of service
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- 116.43 Actions of municipality; exclusive jurisdiction

such competitor, it being the intent of the municipality that the franchise fee of the competition shall be not less than that being paid by the company.
(Ord. 1416, passed 5-25-1993)

§ 116.03 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CABLE ACT. The Cable Communications Policy Act of 1984, being 41 U.S.C. §§ 521 *et seq.*, as amended, and the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, adopted October 5, 1992, being 47 U.S.C. §§ 201 and 521 *et seq.*, as amended.

CABLE SERVICE

(1) The 1-way transmission to subscribers of video programming or other programming service, and

(2) Subscriber interaction, if any, which is required for the selection of such video programming or other programming service. **CABLE SERVICE** shall also include, whether operable now or in the future any 2-way interactive cable service including the furnishing of telephone or telephone related communication services.

CABLE TELEVISION SYSTEM (hereinafter **SYSTEM**) means a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within the municipality. The term **SYSTEM** shall be construed in its broadest sense to include any and all ancillary, services including without limitation services, such as telecommunications, 2-way interactive communications video on command, personal communications networks, data transmission for

commercial purposes or other such services in order that the municipality receives the franchise fees from the gross revenues generated thereby.

CHANNEL. A band of frequencies in the electromagnetic spectrum capable of clearly and effectively carrying an audio-data or an audio-visual television signal, and as defined by the FCC Rules and Regulations.

COMPANY. United Cable Television of Illinois Valley, Inc.

CONVERTER. An electronic device which converts signals to a frequency not susceptible to interference within a fully functional television receiver of an subscriber and which permits a subscriber by an appropriate channel selector to receive all signals, referred to under this chapter, to which subscriber has subscribed.

COUNTY. The County of LaSalle, Illinois.

FCC. The Federal Communications Commission, established by the Communications Act of 1984, being 41 U.S.C. §§ 521 *et seq.*, as amended, and shall include any successor agency or other agency with respect to the federal regulation and licensing in connection with the subject matter of this chapter.

FM SERVICES. Broadcast of audio signals only on a broad band standard FM frequency.

FRANCHISE AREA. That portion of the city for which a franchise is granted under the authority of this chapter. If not otherwise stated, the franchise area shall be the legal and geographic limits of the city, including all territory which may be hereafter annexed to the city.

GRANT. The right, privilege and franchise provided in § 116.20(A) of this chapter.

GRANTEE. A person or business entity or its lawful successor or assignee which has been granted a franchise by the City Council pursuant to this chapter.

GROSS REVENUES. The revenues derived by the company from its cable television subscribers for all services generated by the system, or from the use of the system, including, but not limited to, data signal transmission, advertising revenue, charges to subscribers for basic cable service, delinquency charges, connection and reconnection charges, premium programming, FM services, converter or similar sales of personal property to subscribers, and any and all revenue received from any source whatsoever for use of the system for the transmission of electronic or microwave impulses, excluding any taxes or fees on services generated by the system which are imposed directly or indirectly on any subscriber by an governmental unit or agency and which are collected by the company on behalf of such governmental unit or agency. For purposes of this definition the franchise fees paid by the company are not taxes.

MUNICIPALITY or CITY. The City of LaSalle, Illinois.

PERSON. Any individual, firm, partnership, limited partnership, association, corporation, company or organization of any kind.

PREMIUM PROGRAMMING. Any programming, including but not limited to, movies, concerts, variety acts, sporting events and the like for which an additional charge is made.

PUBLIC RIGHT-OF-WAY. All sidewalks, streets, alleys and easements and public property contiguous thereto in the municipality which are dedicated to or by the municipality for street, highway, sidewalk, lighting, drainage, utility or cable television purposes.

SUBSCRIBER. Any person lawfully receiving cable service from or using the cable television system under the grant pursuant to this chapter.
(Ord. 1416, passed 5-25-1993)

§ 116.04 CONSTRUCTION AND INTERPRETATION.

Principles concerning the construction and interpretation of this chapter shall be as follows:

(A) All ordinances or parts thereof in conflict with the provisions of this chapter are to that extent hereby repealed.

(B) If any provision of this chapter or the application thereof is for any reason held invalid, illegal, unconstitutional, or unenforceable, such holding shall not affect the remainder of this chapter to any extent, each provision of this chapter being a separate, distinct and independent part.

(C) In connection with all actions and decisions to be taken or made under this chapter by the municipality or the company, due consideration shall be given the respective interests of the municipality, the company, subscribers and potential subscribers.

(D) Words in the present tense include the future.

(E) Words importing the singular number may extend to and include plural, words importing the plural number may extend to and include the singular, and words in masculine gender shall include female gender.

(F) The company shall not be excused from complying with any of the terms, conditions and provisions of this chapter by any failure of the municipality upon any 1 or more occasions to insist upon or to seek compliance with any such terms, conditions or provisions.

(G) The specification in this section of principles to apply in the construction and interpretation of this chapter shall not be a limitation as to others.

(H) Whenever this chapter shall set forth any time for any act to be performed by or on behalf of the company, such time shall be deemed of the essence and any failure of the company to perform

within time allotted shall be sufficient grounds for the municipality to terminate, cancel and revoke the franchise or use other remedies, unless such delays are caused by factors or events not within the reasonable control of the company.

(Ord. 1416, passed 5-25-1993)

§ 116.05 EFFECTIVE DATE.

(A) This chapter shall become effective immediately upon its passage, approval and publication as required by law.

(B) This chapter shall be published in pamphlet form pursuant to authority of the City Council.

(C) The effective date of this chapter is May 25, 1993.

(Ord. 1416, passed 5-25-1993)

FRANCHISE TERMS; OPERATION OF SYSTEM

§ 116.20 GRANT OF FRANCHISE.

(A) The municipality, to the full extent that it may do so, hereby grants to the company, in accordance with the terms, conditions and provisions of this chapter, the right, privilege and franchise to establish, construct, operate and maintain the system in, upon, over and under the public right-of-way and within easements or other rights to use municipal property which are effective for the purposes of the grant. However, nothing herein shall be construed to include the use of municipally-owned utility poles without receiving reasonable rental therefor, and as used in this paragraph, reasonable rental shall be not more than the highest rate paid by any public utility operative in the municipality. Upon acceptance of the grant hereunder, the company agrees to extend the system to and offer the services of the system to all potential subscribers within the municipality subject to the provisions of §§ 116.01 through 116.03, 116.20

and 116.21; to acquire by lease, license, purchase or other right-to-use equipment, facilities and improvements, and land constituting all or part of the system, to connect subscribers to the system; and to repair, replace, enlarge and extend the system.

(1) Grantee is hereby authorized to extend the cable system as necessary, as desirable, or as required, pursuant to the terms of this agreement within the municipality. Whenever grantee shall receive requests for service from at least 5 subscribers within 660 cable-bearing strand feet (1/8 cable mile) of its trunk or distribution cable, it shall extend its cable system to such subscribers at no cost to said subscribers for such extension. The 660 feet or any multiple thereof shall be measured in extension length of grantee's trunk and feeder cable required for service located within the public right-of-way or an easement grantee may obtain.

(2) No subscriber shall be refused service arbitrarily. However, for a subscriber who is more than 150 feet of distance from distribution cable to connection of service to subscriber, or a density of less than 5 subscribers per 660 cable-bearing strand feet of trunk or distribution cable, cable service may be made available on the basis of a capital contribution in aid of construction, including costs of material, labor and easements. For the purpose of determining the amount of capital contribution in aid of construction to be borne by grantee and subscriber(s) in the area in which cable service may be expanded, grantee shall provide 132 feet of trunk and/or feeder cable per subscriber, which is the number of feet of trunk and/or feeder which would be provided under the formula set forth in herein. Potential subscriber(s) will bear the remainder of the construction and other costs.

(3) On or before January 31 of each year, grantee shall furnish a written report and map to the municipality showing the location of the cable system within the municipality as of the preceding January 1.

(4) Grantee shall offer all residential services at uniform rates and classifications, provided rates within classifications are uniform.

(B) The term of the grant shall be 10 years. The term shall begin on the effective date set forth in § 116.05 of this chapter.

(C) The grant shall not be exclusive. The municipality may make the same grant or a different grant to the company or to any other person during the term of the grant. However, the municipality will not authorize or permit another system to operate within the franchise area on terms or conditions more favorable or less burdensome to such system operator than those applied to the company pursuant to this chapter. If any such franchise is granted on terms more favorable to the grantee thereof than those contained herein, then the company shall have the right to comply with all the terms of such other franchise in lieu of compliance herewith. Additionally, if the municipality authorizes another system to operate within the franchise area, it shall do so on the condition that such system reimburse and hold harmless the company from and against all costs and expenses incurred in strengthening poles, replacing poles, rearranging attachments, placing underground facilities, and all other costs, including those of the company, the municipality and any utilities.
(Ord. 1416, passed 5-25-1993)

§ 116.21 USE OF MUNICIPAL STREETS.

(A) All system facilities erected, constructed or placed by the company within the municipality shall be located so as not to interfere with the proper use of the public right-of-way and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the public right-of-way and not to interfere with existing municipal or public utility installations. All service lines shall be underground in those areas providing telephone or electrical service underground at the time of installation. In areas where telephone or electric utility facilities are above ground at the time of installation, the company may install its service aboveground. In those areas where telephone and electric utility facilities are both above ground and underground at the time of installation, the company shall install its services underground.

(B) In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the company shall, at its own expense, and in the manner required by applicable municipal ordinances or policies, replace and restore all paving, sidewalk, driveway or other surface of any street or alley disturbed to a condition reasonably comparable to the condition of such paving, sidewalk, driveway or other surface of any street or alley disturbed existing immediately prior to such disturbance. In case of any disturbance on either private or public property, the land surface, including plantings and trees, shall be restored by the company to substantially its previous condition.

(C) If at any time during the period of the franchise the municipality shall lawfully elect to alter or change the grade or location of any street, alley or other public way, the company shall, upon not less than 5 business days' notice for repairs or 90 days notice for major construction by the municipality, remove, relay and relocate affected system facilities at its own expense, and in each instance comply with the requirements of the municipality; provided, however, the company shall in all cases have the right of abandonment of its property. The company shall be entitled to seek reimbursement of expenses related to such move if provided by state or federal law.

(D) The company agrees to provide 1 channel for use by the municipality, such channel to be shared by municipality and other franchised municipalities in LaSalle and Bureau County areas. The company may make use of any unused program time on such channel subject to the provisions of the Cable Act.

(E) The company shall, on request of any person holding a moving permit issued by the municipality, temporarily move affected system facilities to permit the moving of buildings, the expense of such temporary removal to be paid in advance by the person requesting such removal, and the company shall be given not less than 1-week advance notice to arrange for such temporary moves.

(F) The company shall have the authority, except when in conflict with existing municipal ordinances, to trim any trees upon and overhanging

the public right-of-way so as to prevent the branches of such trees from coming in contact with system facilities.

(G) The municipality shall have the right to install and maintain free of charge upon the property of the company its own equipment, including, but not limited to, its police and fire system and emergency services and disaster communications system, on the condition that such equipment does not interfere with the company's current or future establishment, construction, operation and maintenance of the system. The municipality hereby indemnifies the company against all claims, demands, costs or liabilities of every kind and nature whatsoever, except the negligence of the company, arising out of the municipality's use of the company's property, including, but not limited to, reasonable attorneys' fees and costs.

(H) If the company seeks to construct and maintain its cables and other system facilities on or above public or private property, and an easement for such use has already been granted to a telephone company, or electric or other public utility, said easement shall, if at all possible, be interpreted so as to grant the company the same rights and privileges as have been granted to the telephone and electric companies and other public utilities. In such easements, the words telephone or telephone company, electric company and the like, shall be interpreted to include the company.
(Ord. 1416, passed 5-25-1993)

§ 116.22 JURISDICTION OF GRANT OF FRANCHISE.

(A) The grant shall apply within the corporate limits of the municipality, including all territory hereafter annexed to the municipality.

(B) Notwithstanding the grant, the company has or will obtain all necessary federal, state and local government permits, licenses and other required authorizations in connection with the establishment,

construction, operation and maintenance of the system and will file copies of same with the Clerk of the municipality.

(C) Where the density of residential dwelling and occupied commercial or industrial structures, adverse terrain, or other factors render extension of the system and offer of cable service impractical or technically infeasible or creates an economic hardship, the municipality may, upon petition of the company, either waive the extension of the system into such areas, or allow the extension and offer of services on such special terms, conditions and provisions as are reasonable and fair to the municipality, the company, and potential subscribers in such areas.
(Ord. 1416, passed 5-25-1993)

§ 116.23 RATE PAYMENT.

Unless the company provides a longer time, subscribers shall pay connection charges and 1-month's service charges at the time of installation.
(Ord. 1416, passed 5-25-1993)

§ 116.24 FRANCHISE FEE.

(A) The company shall pay to the municipality for the right, privilege and franchise in connection with the grant, an amount equal to 5% of the gross revenues for the quarter year (the franchise fee) (or in the case of the first quarterly early payment, part of a quarter-year as the case may be), preceding January 1, April 1, July 1 and September 1 of each year, such payment to be payable to the municipality within 45 days of the end of the prior quarter. Each payment shall be accompanied by a certificate signed by an official or representative of the company having the requisite knowledge to make such a certificate in the form described herein certifying the gross revenues upon which the payment is based.

(B) Delinquent payments of the franchise fee shall bear interest at the rate of 1½ % per month with the minimum delinquency being a 1-month interest charge.

(C) Upon termination of the grant at the expiration of the term provided in § 116.20(B), or otherwise, the company shall continue to make the quarter-yearly statements and certifications as provided in this section until such time as all payments due the municipality under this chapter have been paid and accounted for to the reasonable satisfaction of the municipality.

(D) The company shall cause to be provided, on or before April 15 of each year, an audit of the gross receipts of the company for purposes of verifying the accuracy of the payments of franchise fees paid to the municipalities for the preceding year ending December 31. The audit shall be at the expense of the company, shall not be passed on to the subscriber, and shall be prepared by certified public accountants who are independent of the company or its affiliates. The municipalities shall be notified on or before January 1, 1994, of the name of the audit firm assigned to prepare the audit.

(Ord. 1416, passed 5-25-1993)

§ 116.25 RECORDS.

The municipality shall have the right, upon reasonable notice to the company and at reasonable times, hours, dates and frequencies, to inspect in the company's Illinois offices or at an Illinois location all or any part of the company's records and documents, engineering records and documents of every kind in connection with the grant, the system, and the company's undertakings with respect to this chapter. Notwithstanding anything to the contrary set forth herein, the company shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature.

(Ord. 1416, passed 5-25-1993)

§ 116.26 GENERAL SYSTEM STANDARDS.

(A) The company shall establish, construct, operate and maintain the system in accordance with the highest standards of cable communications

technology and in accordance with the highest standards of conduct with respect to businesses of the size and type of that of the company.

(B) The company through the system shall provide effective and efficient service in accordance with the rules and regulations of all governmental units and agencies having regulatory and licensing authority in connection with the system.

(C) The company through the system shall provide uniform, strong signals which are free from distortion and interference.

(D) The company shall not interrupt all or any part of the services of the system in the absence of absolute need or emergency circumstances. In the event of any sustained service interruption in excess of 12 hours, each affected subscriber shall upon request be paid a pro rata credit for each such interruption.

(E) The company shall establish, construct, operate and maintain the system so as to at all times meet FCC technical standards, including, without limitation, specifications for frequency boundaries, visual carriers, frequency levels, aural carrier frequency levels, channel frequency response, terminal isolation and radiation.

(F) The company shall establish, construct, operate and maintain the system in accordance with all applicable national, state and local building and safety codes. In the absence of any otherwise applicable building and safety codes, the company shall establish, construct, operate and maintain the system in accordance with the most recent edition of the National Electrical Safety Code.

(G) The system shall be designed, established, constructed, operated and maintained for 24-hour-a-day continuous operation.

(H) The system shall produce, for receipt on subscribers' receivers which are in good working order, either monochrome or color pictures (providing

the receiver is color capable) that are free from any significant interference, distortion, or ghosting which would cause any material degradation of video or audio quality.

(I) The system shall be capable of and shall provide emergency override alerts whereby the municipality or other governmental units or agencies designated by the municipality may be able to issue an emergency broadcast system visual or audio bulletin on a channel or channels designated by the company. The municipality shall hold the company, its agents, employees, officer and assignees hereunder harmless from any claims, other than those based upon the negligence of the company, arising out of the emergency use of its facilities by the municipality, including, but not limited to, reasonable attorneys' fees and costs.

(J) In the event the company is prevented or delayed in the performance of any of its obligations under this chapter by reason of acts of God, flood, fires, hurricanes, tornadoes, earthquakes or other unavoidable casualty, acts of public enemy, insurrection, war, riot, sabotage, vandalism, strikes, boycotts, lockouts, labor disputes, shortage of labor, epidemic, freight embargoes, shortages or unavailability of materials or supplies, unusually severe weather conditions, acts or omissions of the municipality or any other similar event beyond the reasonable control of the company, the company shall have a reasonable time under the circumstances to perform its obligations under this chapter or to procure a substitute for such obligations which is satisfactory to the municipality.
(Ord. 1416, passed 5-25-1993)

§ 116.27 CHANNELS.

(A) The system shall have a minimum 34 television channel capacity. The company shall install fiber optic cable piggy back trunk line throughout the system on or before December 31, 1995.

(B) The system shall have a broadband FM signal.

(C) All channel requirements herein are expressly subject to FCC and copyright limitations, as well as the availability to the company of program rights owned by others.

(Ord. 1416, passed 5-25-1993)

§ 116.28 BUSINESS OFFICE AND SERVICE CALLS.

(A) The company shall operate and maintain within 1 of the cities of LaSalle, Oglesby, Peru and Spring Valley a business office (business office) and agent for the purpose of receiving inquiries, requests and complaints concerning all aspects of the establishment, construction, maintenance, and operation of the system and the payment of subscribers' service charges. The office shall have a listed telephone and shall be open during reasonable business hours.

(B) The company shall respond to and resolve subscribers' complaints or requests for service in connection with repairs and maintenance and malfunctions of the system. The company shall respond as soon as possible to such complaints or request, but in any event not more than 24 hours after receipt of the complaint.

(C) The company shall file with the municipality copies of all of its rules and regulations in connection with the handling of inquiries, requests and complaints. The company shall furnish in writing to subscribers at the time they connect to the system information concerning procedures for making inquiries, requests and complaints about the system. The information shall at least include names, addresses and telephone numbers of the business office and agent. The company shall provide such information as will reasonably permit subscribers to effectively submit inquiries, requests and complaints and to obtain satisfactory resolution or handling in connection with the quality of the company's delivery of services.

(D) The company shall keep full records in connection with all inquiries, complaints and requests for service or information in connection with the system at its business office for a period of 1 year. Minimally, such records shall identify the method and time of resolution of the matter in question and the date of the action taken by the company in connection with the contact.

(E) The company shall provide 30-days' advance written notice of any change in channel assignment or in the video program service provided over any system channel.

(F) The company shall inform subscribers, via written notice, that comments on programming and channel position changes are being recorded by a designated office of the municipality.
(Ord. 1416, passed 5-25-1993)

§ 116.29 NOTICE TO SUBSCRIBERS OF UNSOLICITED SEXUALLY EXPLICIT PROGRAMS.

If and whenever the company provides a premium channel which offers movies rated X, NC-17, or R without charge to cable subscribers who do not subscribe to such premium channel, the company shall, no later than 30 days prior to the time such premium channel is provided without charge:

(A) Notify all subscribers that the company plans to provide the premium channel without charge;

(B) Notify all cable subscribers when the company plans to offer the premium channel without charge;

(C) Notify all subscribers that they have a right to request that the channel carrying the premium channel be blocked; and

(D) Block the channel carrying the premium channel upon request of the subscriber.
(Ord. 1416, passed 5-25-1993)

§ 116.30 SUPERVISION OF THE COMPANY.

(A) Unless specifically otherwise provided in this chapter, all administrative actions required to be taken or which shall or may be taken by the municipality in connection with the system, shall be taken by the Mayor or the City Clerk, or such other municipal employee or official designated by the Mayor or the City Clerk.

(B) Unless specifically otherwise provided in this chapter, all filings with the municipality required by this chapter shall be made with the Clerk.
(Ord. 1416, passed 5-25-1993)

§ 116.31 LIABILITY, INSURANCE AND INDEMNITY.

(A) The company hereby agrees to indemnify, defend and save whole and harmless the municipality and its officers and employees from liability and related expenses (including reasonable attorneys' fees) of any kind which arise from the construction, operation and maintenance of the system by the company. The municipality shall notify the company in the event any person shall in any way notify the municipality of any claim or demand from which the company may be subject to liability under this section or otherwise. The indemnification provisions of this section shall include liability or claims of liability with respect to property damage, personal injury, invasions of the right of privacy, defamation of any person, the violation of infringement of any copyright, trademark, trade name, service mark or patent, except that the company shall have no liability arising out of the use or operation of any public or leased access channels as provided in Section 638 of the Cable Act.

(B) (1) The company shall keep the system continuously insured against such risks as are customarily insured against by businesses of like size and type, including, but not limited to:

(a) Insurance to the extent of \$500,000 per occurrence against liability for bodily injury including death and to the extent of \$500,000 per

occurrence against liability for damage to property including loss of use, occurring on, arising out of or in any way related to the system.

(b) During any period of construction, adequate coverage to meet liability under Illinois law.

(c) Workmen's compensation insurance within statutory limits and employer's liability insurance of not less than \$100,000.

(d) Comprehensive automobile liability insurance to the extent of \$500,000 per occurrence against liability for bodily injury including death and to the extent of \$500,000 per occurrence against liability for damage to property including loss of use occurring on, arising out of, or in any way related to the system.

(2) This division (B) shall not be a limit of the company's undertaking provided in division (A) of this section.

(C) The company shall designate the municipality and all of its officers and employees as additional insureds on all insurance policies referred to in this section. All such policies shall provide that the issuing insurance company will not cancel them without 30-days' prior notice to the company and the municipality. All such policies shall be issued by and maintained with generally recognized responsible insurance companies qualified to do business in the State of Illinois maintaining a Bests Rating of not less than A-11.

(Ord. 1416, passed 5-25-1993)

§ 116.32 PRIVACY; COMPLIANCE WITH LOCAL, STATE AND FEDERAL JURISDICTION.

(A) The company shall comply with the subscriber privacy provisions of Section 631 of the Cable Act.

(B) The company shall establish, construct, operate and maintain the system subject to the reasonable supervision of the municipality and in strict compliance with all applicable laws, ordinances, rules and regulations.

(C) If at any time the vested powers of the municipality, state or federal government or any agency or official thereof in connection with the system are duly transferred to or later reside in any other board, authority, agency or official, such board, authority, agency or official shall have the power, rights and duties previously vested in addition to any other which they may acquire.

(D) Notwithstanding any other provisions of this chapter, the company shall at all times comply with all state and federal laws, rules and regulations, or any administrative agency thereof; provided, however, if any such ordinance, law, rule or regulation shall require the company to perform any service in conflict with the provisions and terms of this chapter or of any law, rule or regulation, then as soon as possible following knowledge thereof, the company shall notify the municipality of the point of conflict believed to exist. If either party determines that a material provision of this chapter is affected by such action, both parties agree to negotiate in good faith any of the provisions herein to such reasonable extent as may be necessary to carry out the full intent and purpose of this chapter.

(Ord. 1416, passed 5-25-1993)

§ 116.33 UNLAWFUL ACTS.

(A) It shall be unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of the company's system for the purpose of enabling himself, herself, or others to receive any television signals, radio signals, picture, programs, sounds, or any other information or intelligence transmitted over the company's system without payment to the company.

(B) It shall be unlawful for any person, without the consent of the company, to willfully tamper with, remove, or injure any cable, wires, or other equipment used for the distribution of television signals, radio signals, pictures, programs, sounds or any other information or intelligence transmitted over the company's system.

(C) Violators of the provisions of this section shall be guilty of a misdemeanor, and each and every day or portion thereof during which any violation of any of the provisions of this section is committed, continued, or permitted shall be deemed a separate offense and upon conviction of any such violation shall be punishable by a fine as set forth in § 116.99. Any equipment or structure erected or maintained and any work commenced or continued in violation of this chapter shall be and is hereby declared unlawful. (Ord. 1416, passed 5-25-1993)

§ 116.34 ACCEPTANCE.

(A) The company expressly acknowledges that upon accepting the right, privilege and franchise granted by this chapter, it did so relying upon its own investigation and understanding of the power and authority of the municipality in connection with the system and this chapter. By the acceptance of this franchise, the company agrees that it will not at any time set up against the municipality in any claim or proceeding any provision, condition or term of this chapter as arbitrary or vague.

(B) The company by acceptance of the right, privilege and franchise under this chapter acknowledges that it has not been induced to enter into the franchise agreement by any understanding or provision or other statement whether verbal or written by or on behalf of the municipality concerning any term or condition of this franchise not expressed herein.

(C) In the event the company shall accept the right, privilege and franchise to establish, construct, operate and maintain the system in accordance with

the provisions, terms and conditions of this chapter, the company shall execute an acceptance in substantially the form as follows:

ACCEPTANCE OF CITY OF LASALLE CABLE TELEVISION FRANCHISE

The company having been advised by the City Clerk of LaSalle, Illinois, that by the adoption of Cable Television Franchise Ordinance No. 1416 passed by the Mayor and City Council on the twenty-fifth day of May, 1993, (the Ordinance) a franchise according to the provisions, terms and conditions of the ordinance was granted to the company to establish, construct, operate and maintain a cable television system within the City of LaSalle, Illinois, does hereby accept said franchise and agrees to be bound by and to comply fully and in all respects with the terms, conditions and provisions of Ordinance No. 1416.

UNITED CABLE TELEVISION
OF ILLINOIS VALLEY, INC.

By _____

(S E A L)

ATTEST:

By _____

STATE OF ILLINOIS)

) SS.

COUNTY OF)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that _____, and _____, the _____ and _____, of the company personally known to me to be the same person whose name subscribed to the foregoing instrument, appeared before me this _____ day in person and acknowledged that they signed, sealed and delivered the said instrument as their free

and voluntary act and the free and voluntary act of the company, and that they were fully and duly authorized by the company to so subscribe, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal, this ____ day of _____ 20 ____.

Notary Public

(Ord. 1416, passed 5-25-1993)

§ 116.35 ASSIGNMENT OR TRANSFER.

(A) The right, privilege and franchise under this chapter and the system shall not be assigned or transferred, except to an affiliate of the company, either in whole or in part or leased or sublet, in any manner, nor shall title thereto, either legal or equitable, or any right, interest, or property therein, pass to or vest in other than the company either by the act of the company or by operation of law without the prior express approval of the municipality. The granting, giving or waiving of any 1 or more 24 of such approvals shall not render unnecessary any subsequent approvals. The municipality shall not unreasonably withhold such approval. If the municipality fails to grant or deny consent within 60 days following receipt of a request for consent to transfer by the company, such consent will be deemed given.

(B) The consent or approval of the municipality to any such assignment, lease, transfer, sub-lease, pledge or mortgage shall not constitute a waiver or release of the rights of the municipality in and to the public right-of-way.

(C) Nothing in this section shall prohibit a mortgage or pledge of the system or any part thereof or a leasing by the company of the system or part thereof in order to secure indebtedness. Any such mortgage, pledge, or lease shall be subject and subordinate to any rights of the municipality and

subscribers under this chapter and notice of the filing of any such document generally describing its contents and the parties thereto shall be furnished to the city not less than 30 days prior to its execution.
(Ord. 1416, passed 5-25-1993)

§ 116.36 ENFORCEMENT AND TERMINATION OF FRANCHISE.

(A) In the event that the municipality believes that the grantee has not complied with the terms of the franchise, it shall notify grantee in writing of the exact nature of the alleged noncompliance.

(B) Grantee shall have 30 days from receipt of the notice described in division (A) above:

(1) To respond to the municipality contesting the assertion of noncompliance, or

(2) To cure such default, or

(3) In the event that, by the nature of default, such default cannot be cured within the 30-day period, initiate reasonable steps to remedy such default and notify the municipality of the steps being taken and the projected date that they will be completed.

(C) In the event that grantee fails to respond to the notice described in division (A) above pursuant to the procedures set forth in division (B) above, or in the event that the alleged default is not remedied within 60 days after the grantee is notified of the alleged default pursuant to division (A), the municipality shall schedule a public meeting to investigate the default. Such public meeting shall be held at the next regularly scheduled meeting of the municipality which is scheduled at a time which is no less than 5 business days therefrom. The municipality shall notify the grantee of the time and place of such meeting and provide the grantee with an opportunity to be heard.

(D) (1) Subject to applicable federal and state law, in the event the municipality, after such meeting, determines that grantee is in default of any provision of the franchise, the municipality may:

(a) Foreclose on all or any part of any security provided under this franchise, if any, including without limitation, any bonds or other surety; provided, however, the foreclosure shall only be in such a manner and in such amount as the municipality reasonably determines is necessary to remedy the default;

(b) Commence an action at law for monetary damages or seek other equitable relief;

(c) In the case of a substantial default of a material provision of the franchise, declare the franchise agreement to be revoked; or

(d) Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages.

(2) The grantee shall not be relieved of any of its obligations to comply promptly with any provision of the franchise by reason of any failure of the municipality to enforce prompt compliance.

(E) The grantee shall not be held in default or noncompliance with the provisions of the franchise, nor suffer any enforcement or penalty relating thereto, where such noncompliance or alleged defaults are caused by strikes, acts of God, power outages, or other events reasonably beyond its ability to control. (Ord. 1416, passed 5-25-1993)

§ 116.37 RESERVATION OF RIGHTS.

(A) The right is hereby reserved to the municipality to adopt and enforce in addition to the terms, conditions and provisions contained in this chapter and in otherwise existing applicable ordinances, such additional ordinances, rules and regulations as it shall find necessary in the exercise of its police powers; provided, that such ordinances,

rules and regulations shall be reasonable and not immaterial or in substantial conflict with the rights herein granted.

(B) In addition to the specific rights of inspection otherwise provided for in this chapter, the municipality shall also have the right to make such inspections as it shall find necessary to insure compliance with the terms, provisions and conditions of this chapter and other relevant provisions of the law.

(C) Nothing in this chapter shall limit the right of the municipality to exercise the power of eminent domain in the manner provided by law.

(D) From time-to-time either the municipality or the company may propose amendments to this chapter; provided, however, that any such amendment shall not impair the rights granted to or increase the obligations of the municipality or the company hereunder. No such amendment shall be effective as to the municipality or the company until the company files with the municipality an acceptance thereof, with specific reference to the ordinance amending the ordinance, substantially in the form set forth in § 116.35 of this chapter.

(Ord. 1416, passed 5-25-1993)

§ 116.38 RENEWAL.

The municipality and the company agree that any proceedings undertaken by the municipality that relate to the renewal of the company's franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act (as such existed as of the effective date of the Cable Act, unless the procedures and substantive protections set forth therein shall be deemed to be preempted and superseded by the provisions of any subsequent provision of federal or state law). Specifically, but without limitation, the parties shall comply with the provisions of 47 U.S.C. § 626.

(Ord. 1416, passed 5-25-1993)

§ 116.39 TERMINATION OF SERVICE.

Upon termination of cable service to any subscriber the company upon written request shall, without charge, promptly remove all in-home system facilities from the property of such subscriber. (Ord. 1416, passed 5-25-1993)

§ 116.40 PUBLIC BUILDINGS.

The company agrees to and shall furnish upon request without installation charge or monthly service fees for standard installation basic cable service on 1 outlet to the city hall and to each firehouse, public works building, and any other municipal building designated by the City Council, for public use; to all library buildings; and to all public and parochial elementary and secondary schools. Where the drop line from the feeder cable to a public building exceeds 250 cable feet, the appropriate public entity shall pay the incremental cost of such drop line in excess of 250 cable feet. The public buildings so served shall be responsible for the cost of installing all internal wiring from such energized connection source. The city does hereby agree indemnify and hold the company harmless from any and all acts, errors, omissions or damages which may occur as a result of the system being provided to the municipal buildings. (Ord. 1416, passed 5-25-1993)

§ 116.41 RATE REGULATION.

The city shall be entitled to and does hereby reserve unto itself to the fullest extent possible the power to regulate or otherwise control to the benefit of its citizens the lowest reasonable cable television subscriber rates that may be permitted by the regulations promulgated by the Federal Communications Commission or its successor agency. Such regulation of rates shall be as expressly provided by federal or State of Illinois laws, rules or regulations. The company agrees that it will be bound under the terms of this agreement to those rates which may be fairly determined by the FCC to be just and reasonable. (Ord. 1416, passed 5-25-1993)

§ 116.42 NOTICES.

All notices herein provided for shall be sent prepaid registered or certified mail addressed to the parties as follows:

To the Municipality:

City of LaSalle
Office of the Mayor
City Hall
745 Second Street
LaSalle, Illinois 61301-2599

with a copy to the City Clerk.

To the company:

United Cable Television of
Illinois Valley, Inc.
2216 Marquette Road
Peru, Illinois 61354

with a copy to:

TCI Great Lakes, Inc.
111 Pfingsten, Suite 400
Deerfield, Illinois 60015
Attention: Franchising Department
(Ord. 1416, passed 5-25-1993)

**§ 116.43 ACTIONS OF MUNICIPALITY;
EXCLUSIVE JURISDICTION.**

(A) In any action by the municipality or representative thereof mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

(B) No community antenna television system shall be erected, maintained or operated in the municipality without the passage of a franchise ordinance permitting the same. (Ord. 1416, passed 5-25-1993)

§ 116.99 PENALTY.

Whoever violates the provisions of § 116.33 shall be punishable by a fine of not less than \$25 nor more than \$500.

(Ord. 1416, passed 5-25-1993)

CHAPTER 117: TAXICABS AND PUBLIC VEHICLES

Section

Taxicabs

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- 117.02 License required
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Public Vehicles

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TAXICABS

§ 117.01 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

TAXICAB. Any vehicle used to carry passengers for hire but not operating on a fixed route. (1963 Code, § 5-9-1) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.02 LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of operating a taxicab in the city without first having secured a license therefor. Applications for licenses shall be made in writing to the City Clerk, and shall state thereon the name of the applicant, the intended place of business, and the number of cabs to be operated. If the applicant is a corporation, the names and addresses of the president and secretary thereof shall be given. (1963 Code, § 5-9-2) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.03 CHARACTER OF APPLICANT.

No license shall be issued to or held by any person who is not a person of good character and reputation, or who has been convicted of a felony; nor

shall such license be issued to or held by any corporation if any officer thereof would be ineligible for a license under the foregoing conditions.

(1963 Code, § 5-9-3) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.04 TAXICAB LICENSE FEE.

The annual fee, payable in advance, for such licenses shall be \$52 for each taxicab operated within the city under the license. Such fee shall be in lieu of any other vehicle fees required by ordinance and the City Clerk shall issue suitable tags or stickers for the number of cabs covered by each license. Such tag or sticker shall be displayed in a prominent place on each taxicab while it is in use, and may be transferred to any taxicab put into service to replace one withdrawn from service. The licensee shall notify the City Clerk of the vehicle's serial number and state license number of each cab operated and of the corresponding municipal tag or sticker number. The license fee herein provided shall be payable on or before the fifteenth day of January of each calendar year.

(1963 Code, § 5-9-4) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.05 VEHICLE REQUIREMENTS.

No taxicab shall be operated unless it bears a state license duly issued; and no cab shall be operated unless it is equipped with proper brakes, horn, muffler, rear vision mirror, and windshield wipers in good condition. At the time of license application and on or before January 15 of each and every calendar year thereafter while the license remains in effect, the holder of the license shall provide the City Clerk with a statement from a reputable mechanic that he respective taxicabs operated under the license are in good condition and repair.

(1963 Code, § 5-9-5) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.06 TAXICAB DRIVER REQUIREMENTS.

No person shall drive a taxicab or be hired or permitted to do so, unless he or she is duly licensed as a chauffeur. It shall be unlawful for any driver of any taxicab while on duty to:

(A) Drink any intoxicating liquor;

(B) Use or be under the influence of any unlawful drugs;

(C) Use any profane or obscene language;

(D) Shout or call to prospective passengers; or

(E) Disturb the peace in any way.

(1963 Code, § 5-9-6) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.07 INSURANCE REQUIREMENTS, TRAFFIC RULES, UNLAWFUL ACTS.

(A) No taxicab shall be operated unless it is covered by a bond or public liability policy as required by the laws of the State of Illinois; provided, in no event shall such liability coverage be less than per person/per accident limits of \$100,000/\$300,000. (1963 Code, § 5-9-7)

(B) It shall be the duty of every driver of a taxicab to obey all traffic rules established by the city and the State of Illinois. (1963 Code, § 5-9-8)

(C) It shall be unlawful for any person to knowingly permit any taxicab to be used in the perpetration of a crime or misdemeanor. (1963 Code, § 5-9-9) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989) Penalty, see § 117.99

§ 117.08 PASSENGERS.

It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to use a taxicab; provided, such person is not abusive and conducts himself or herself in an orderly manner. No person shall be admitted to the taxicab occupied by a passenger without the consent of that passenger. The driver shall take his or her passenger to the destination by the most direct available route from the place where the passenger enters the taxicab.
(1963 Code, § 5-9-10) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.09 RATES.

(A) *Metered taxicabs.* No person operating any metered taxicab in the city shall charge in excess of a minimum charge of \$1.85 for the first half-mile and an additional \$.10 charge per each 1/10 mile thereafter. The charges described in this division (A) shall be the same for 1 to 4 passengers using the service at the same time. Metered taxicabs shall not transport more than 4 passengers at any 1 time. No charge for packages that can be carried into the taxi.

(B) *Non-metered taxicabs.*

(1) No person operating any non-metered taxicab in the city shall charge in excess of the following rates:

<i>Origin or Destination</i>	<i>Rate</i>
First Street in LaSalle to south of Seventh Street in LaSalle	\$1.95 and \$.10 per block east or west
North of Seventh Street in LaSalle to south of Maple Road in LaSalle	\$2.65 plus \$.10 per block east or west

North of Maple Road in LaSalle to south of Baker Avenue in LaSalle	\$1.95 plus \$.10 per block east or west
North of Baker Avenue in LaSalle to the railroad tracks	\$2.85 plus \$.10 per block east or west
First Street to the Peru Mall	\$4.35
West of St. Vincent's Avenue and north of Eleventh Street to or from the Peru Mall	\$3.35 plus \$.10 per block west of St. Vincent's Avenue
East of St. Vincent's Avenue and north of Eleventh Street to or from the Peru Mall	\$3.35 plus \$.10 per block east of St. Vincent's Avenue
South of Eleventh Street to and from the Peru Mall	\$3.35 plus \$.10 per block east or west of St. Vincent's Avenue
City of LaSalle to and from Jonesville, Illinois	\$3.35
City of LaSalle to or from Oglesby, Illinois, west of Woodland Avenue	\$4.25
City of LaSalle to or from Oglesby, Illinois, east of Woodland Avenue	\$4.75
City of LaSalle to or from Spring Valley, Illinois, and east of Spalding Street	\$6.35
City of LaSalle to or from Spring Valley, Illinois, and west of Spalding Street	\$6.35

(2) Each additional passenger is not charged extra, regardless of the zone. No charges for packages that can be carried into the taxi.

(3) The charges described shall be the same for 1 to 4 passengers using the service at the same time. Metered and non-metered taxicabs shall not transport more than 4 passengers at any 1 time.

(1963 Code, § 5-9-11) (Ord. 534, passed 1-4-1954; Am. Ord. 629, passed 3-19-1962; Am. Ord. 734, passed 9-5-1967; Am. Ord. 841, 1-2-1974; Am. Ord. 862, passed 1-2-1974; Am. Ord. 886, passed 8-23-1976; Am. Ord. 973, passed 9-4-1979; Am. Ord. 1104, passed 3-10-1986; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.10 POSTING OF RATES.

The schedule of rates charged shall be posted in each taxicab in front of the passenger compartment in such a position that it will be in plain view of all passengers riding therein, and so lighted at night that it can be plainly seen.

(1963 Code, § 5-9-12) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.11 REVOCATION OF LICENSE.

The Mayor of the city shall have the right to revoke any license issued hereunder to any taxicab licensee whenever the owner or operator of the taxicab shall violate any of the provisions of this chapter or any other ordinance of the City of LaSalle, or any statute of the State of Illinois.

(1963 Code, § 5-9-13) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.12 NUMBER OF TAXICABS LIMITED.

The number of taxicabs shall be limited to 10; provided that in the event that public convenience and necessity may require additional taxicab service and a petition is filed with the Public Vehicle Commission, then and in that event the Public Vehicle Commission after a full hearing shall report its findings and recommendations to the Council, and the Council

upon hearing the report and findings of the Public Vehicle Commission shall be ordinance declare that public convenience and necessity requires the increased taxicab service.

(1963 Code, § 5-9-14) (Ord. 534, passed 1-4-1954)

§ 117.13 PUBLIC VEHICLE COMMISSION.

(A) There is hereby established a Public Vehicle Commission which shall consist of 3 members appointed by the Mayor for a term of 1 year. The Mayor shall designate the Chairperson of the Commission.

(B) The Public Vehicle Commission shall meet on the call of the Chairperson or of 2 members thereof, at such times as may be necessary to transact its business.

(1963 Code, § 5-9-15)

§ 117.14 DETERMINATION OF PUBLIC NECESSITY.

Upon petition being filed with the Public Vehicle Commission that there is a need of additional taxicab service, then the Public Vehicle Commission shall hear evidence as to the need of additional taxicab service, and the Public Vehicle Commission in reporting its finding and recommendation to the Council, shall consider the need of the public for taxicab service, the number of cabs in operation and the anticipated future demand.

(1963 Code, § 5-9-16)

§ 117.15 LICENSE RENEWAL GUARANTEED.

Taxicab owners having had issued to them a license under the provisions of this chapter, shall have the right to have their license renewed, and their rights are protected, and the grandfather's rights of licensees are hereby recognized.

(1963 Code, § 5-9-17)

§ 117.30 LICENSE REQUIRED.

No motor vehicle other than a licensed public passenger vehicle shall be operated along the public streets and ways of the city, for the carriage of passengers for hire, indiscriminately accepting and discharging passengers as may offer themselves for transportation.

(1963 Code, § 5-10-1) (Ord. 501, passed 4-2-1951)
Penalty, see § 117.99

§ 117.31 APPLICATION FOR LICENSE; FEES.

(A) Application for public passenger vehicle licenses shall be filed by the owner with the Clerk. The application shall contain the full name and address of the owner, the description of the vehicle for which a license is desired, the length of time the vehicle has been in use, and the number of persons it is capable of carrying. Upon the making of such application and the payment of the license fee provided for by this chapter, a license shall be issued to be signed by the Mayor and attested by the Clerk, authorizing the use of such public passenger vehicle within the city until the expiration of the license.

(1963 Code, § 5-10-2)

(B) The following annual license fees shall be paid for public passenger vehicles:

(1) For each motor coach or bus, \$52.

(2) For each public passenger vehicle other than a motor coach or bus, \$52.

(C) All such licenses shall expire on the thirtieth day of April succeeding the date of issue and when issued after May first, the fee shall be in proportion to the annual rate for the time of the date of issue to the thirtieth of April following, each fractional part of a month to be computed at a full month but in no case shall such license fee be less than 1/2 of the annual fee.

(1963 Code, § 5-10-4) (Ord. 501, passed 4-2-1951)

§ 117.32 CONDITION OF VEHICLE.

No public passenger vehicle shall be licensed until it has been found to be in safe condition for transportation of passengers.

(1963 Code, § 5-10-3) (Ord. 501, passed 4-2-1951)

§ 117.33 EXCEPTION.

This subchapter shall not apply to or govern taxicabs which are regulated and licensed by §§ 117.01 through 117.15 relating to taxicabs.

(1963 Code, § 5-10-4) (Ord. 501, passed 4-2-1951)

§ 117.99 PENALTY.

(A) Any person who violates any of the provisions of this chapter for which no specific penalty is otherwise provided shall be subject to the provisions of § 10.99.

(B) Any person, firm or corporation violating any provision of §§ 117.01 through 117.15 shall be fined not less than \$50 nor more than \$500 for each offense. Any day on which an offense occurs or continues shall be deemed a separate offense.

(Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

CHAPTER 118: MASSAGE BUSINESSES

Section

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§ 118.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. Person applying for a permit under this chapter, and must include all partners, including limited partners, or a partnership applicant,

any officer or director of a corporate applicant, and any stockholder holding more than 2% of the stock of a corporate applicant.

EMPLOYEE. Any and all persons who render any service to the massage establishment or its customers and receive compensation directly from the massage establishment.

HEALTH OFFICER. The Director of the Department of Health of the city or his or her authorized representative.

LICENSED INSPECTOR. The duly appointed Superintendent of Public Works.

MASSAGE. Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice.

MASSAGE ESTABLISHMENT. Any establishment having a fixed place of business where any person, firm, association, or corporation engages in, carries on, or permits to be engaged in or carried on, any of the activities mentioned in the definition of **MASSAGE** above. **MASSAGE ESTABLISHMENT** shall not include any establishment exempted by § 118.19 of this chapter.

MASSEUR or MASSEUSE. Any individual who, for any consideration whatsoever, engages in the practice of massage as herein defined.

PERMITTEE. The operator of a massage establishment that has a valid permit issued under this chapter.

SEXUAL or GENITAL AREA. The genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.
(Ord. 1096, passed 9-9-1985)

§ 118.02 PERMIT REQUIRED.

It shall be unlawful for any person to engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises in the city, the operation of a massage establishment as herein defined, without first having obtained a permit from the Mayor, after approval of the Health Officer.
(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.03 APPLICATION.

(A) Every applicant for a permit to maintain, operate, or conduct a massage establishment shall file an application in duplicate, under oath, with the License Inspector upon a form provided by said License Inspector and pay a nonrefundable filing fee of \$50 to the City Treasurer, who shall issue a receipt which shall be attached to the application filed with the License Inspector.

(B) The License Inspector shall, within 5 days, refer copies of such application to the Fire Department, the Board of Health, the Building Inspection Division, and the Police Department. Those departments shall, within 30 days, inspect the premises proposed to be operated as a massage establishment and make written recommendations to the License Inspector concerning compliance with the codes that they administer.

(C) Within 10 days of receipt of the recommendations of the aforesaid departments, the License Inspector shall notify the applicant that the application is granted, denied, or held for further investigation. The period of such additional

investigation shall not exceed an additional 30 days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the License Inspector shall advise the applicant in writing whether the application is granted or denied.

(D) Whenever an application is denied or held for further investigation, the License Inspector shall advise the applicant in writing of the reasons for such action.

(E) The failure or refusal of the applicant to give promptly any information relevant to the investigation of the application or his or her refusal to submit to or cooperate with any inspection required by this chapter shall be grounds for denial thereof by the Mayor.
(Ord. 1096, passed 9-9-1985)

§ 118.04 INFORMATION CONTAINED IN APPLICATION.

(A) The application for a permit to operate a massage establishment shall set forth the exact nature of the massage to be administered, and the proposed place of business and facilities therefor.

(B) In addition to the foregoing, any applicant for a permit, including any partner or limited partner of a partnership applicant, and any officer or director of a corporate applicant, and any stockholder holding more than 2% of the stock of a corporate applicant, shall furnish the following information:

- (1) Name and address.
- (2) Written proof that the individual is at least 18 years of age.
- (3) All residential addresses for the past 3 years.
- (4) The applicant's height, weight, color of eyes and hair.
- (5) The business occupation, or employment of the applicant for the 3 years immediately preceding the date of application.

(6) The massage or similar business license history of the applicant; whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.

(7) All criminal or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations, within the last 5 years.

(8) The Chief of Police or his or her delegate shall have the right to take fingerprints and a photograph of the applicant and the right to confirm the information submitted.

(9) If the applicant is a corporation, or a partner in a partnership is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation.
(Ord. 1096, passed 9-9-1985)

§ 118.05 ISSUANCE OF PERMIT.

(A) Upon receipt of the certificate of the Health Officer that the establishment is in compliance with all of the requirements of the Health Code and the certificate of the Building Inspector and Fire Inspector that the building meets the Building Code, and the Chief of Police that the applicant or applicants have not been convicted in a court of competent jurisdiction of the crimes listed in division (A)(2) of this section, the Mayor shall issue a permit to maintain, operate, or conduct a massage establishment, unless he or she finds:

(1) That the operation, as proposed by the applicant, if permitted, would not comply with all applicable laws of the city; or

(2) That the applicant and any other person who will be directly or indirectly engaged in the management and operation of a massage establishment has been convicted of a felony; an offense involving

sexual misconduct with children; prostitution, soliciting for purposes of prostitution, pandering, keeping of a place of prostitution; or any crime involving dishonesty, fraud, deceit, or other offenses opposed to decency and morality, within the last 5 years.

(B) Every massage establishment permit issued pursuant to this chapter will terminate at the expiration of 1 year from the date of its issuance, unless sooner suspended or revoked.

(Ord. 1096, passed 9-9-1985)

§ 118.06 REVOCATION OR SUSPENSION OF PERMIT.

(A) Any permit issued for a massage establishment may be revoked or suspended by the Mayor after a hearing for good cause shown; or in any case where any of the provisions of this chapter are violated, or any employee of the permittee, including a masseur or masseuse, is engaged in any conduct at the permittee's place of business which violates any of the provisions of this chapter or any state law which provides for imprisonment, and the permittee has actual or constructive knowledge of such violations or the permittee should have had actual or constructive knowledge of due diligence; or where any applicant has made a false statement on an application for a permit under this chapter; or in any case where the permittee or licensee refuses to permit any duly authorized Police Officer or Health Inspector of the city to inspect the premises or the operations therein. Such permit may also be revoked or suspended by the Mayor after hearing, upon the recommendations of the Health Officer, after finding of specific facts, indicating that such business is being managed, conducted, or maintained without regard for the public health or health of patrons or customers or without due regard to proper sanitation or hygiene.

(B) The Mayor, before revoking or suspending any permit, shall give the permittee at least 10-days' written notice of the charges against him or her and the opportunity for a public hearing before the Mayor,

at which time the permittee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

(Ord. 1096, passed 9-9-1985)

§ 118.07 MASSEUR OR MASSEUSE PERMIT REQUIRED.

Any person, including an applicant for massage establishment permit, who engages in the practice of massage as herein defined, shall file an application for a masseur or masseuse permit with the License Inspector upon a form provided by said License Inspector and shall pay a nonrefundable filing fee of \$25 for an original application and \$10 for a renewal application to the City Treasurer, who shall issue a receipt which shall be attached to the application filed with the License Inspector.

(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.08 APPLICATION FOR MASSEUR OR MASSEUSE PERMIT.

(A) The application for a masseur or masseuse permit shall contain the following:

- (1) Name and residence address;
- (2) Social security number and driver's license number, if any;
- (3) Applicant's weight, height, color of hair and eyes;
- (4) Written evidence that the applicant is at least 18 years of age;
- (5) Business, occupation, or employment of the applicant for the 3 years preceding the date of application; and whether the applicant has been convicted of, pleaded nolo contendere to, or suffered a forfeiture on a bond involving a charge of committing any crime except minor traffic violations within the last 5 years. If the answer is in the

affirmative, a statement must be made giving the place and the court in which such conviction, plea, or forfeiture was had, the specific charge under which the conviction, plea, or forfeiture was obtained, and the sentence imposed as a result thereof.

(B) The Chief of Police, or his or her delegate, shall have the right to take fingerprints and a photograph of the applicant and the right to confirm the information submitted.

(C) All persons who desire to perform the services of masseur or masseuse at a massage establishment shall first undergo a physical examination for contagious and communicable diseases which shall include a recognized blood test for syphilis, a culture for gonorrhea, a test or tests which will demonstrate freedom from tuberculosis, which is to be interpreted by a licensed physician acceptable to the Health Officer, and such other laboratory tests done in a laboratory acceptable to the Health Officer, as may be necessitated by the above examination, and shall furnish to the Health Officer a certificate based upon the applicant's physical examination and issued within 30 days of such examination, signed by a physician duly licensed by the state and stating that the person examined is either free from any contagious or communicable disease, or incapable of communicating any of such disease to others. Such persons shall undergo the physical examination referred to above and submit to the Health Officer the certificate required herein prior to commencement of their employment and at least once every 6 months thereafter.

(Ord. 1096, passed 9-9-1985)

§ 118.09 ISSUANCE OF MASSEUR OR MASSEUSE PERMIT.

(A) The License Inspector may issue a masseur or masseuse permit within 21 days following application, unless he or she finds that the applicant for masseur or masseuse permit has been convicted within the last 5 years of a felony; an offense involving sexual misconduct with children; keeping or

residing in a house of ill fame, solicitation of lewd or unlawful act, prostitution, or pandering; or any crime involving dishonesty, fraud, or deceit.

(B) Every masseur or masseuse permit issued pursuant to this chapter shall terminate at expiration of 1 year from the date of issuance, unless sooner revoked.

(Ord. 1096, passed 9-9-1985)

§ 118.10 SUSPENSION OR REVOCATION OF MASSEUR OR MASSEUSE PERMIT.

(A) Any masseur or masseuse permit may be revoked or suspended by the License Inspector, in any case where the masseur or masseuse has violated any provision of this chapter or fails the medical examination and testing required by § 118.08.

(B) The Mayor may delay the effective date of any suspension or revocation until after an opportunity for a hearing before the License Inspector, except for revocations or suspensions for failure to pass the medical examinations required in this chapter, or for suspensions or revocations based on any evidence that the masseur or masseuse has a communicable disease.

(C) The License Inspector shall give any masseuse or masseur whose permit has been suspended or revoked written notice of the charges and an opportunity to request a public hearing. Any requested hearing shall be held within 10 days of the suspension or revocation, whether or not the suspension or revocation was effective immediately.

(Ord. 1096, passed 9-9-1985)

§ 118.11 FACILITIES NECESSARY.

No massage establishment shall be issued a permit, nor be operated, established, or maintained in the city unless an inspection by the Health Officer,

Building Inspector, and Fire Inspector reveals that the establishment complies with each of the following minimum requirements:

(A) Construction of rooms used for toilets, tubs, steam baths, and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the building code of the city;

(B) All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected;

(C) Adequate bathing, dressing, and locker facilities shall be provided for the patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker and massage room facilities shall be provided;

(D) The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each patron;

(E) Closed cabinets shall be provided and used for the storage of clean linen, towels, and other materials used in connection with administering massages. All soiled linens, towels, and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas;

(F) Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each 20 or more employees or patrons of that sex on the premises at any 1 time. Urinals may be substituted for half of the water closets for the male patrons after 1 water closet has been provided. Toilets shall be designated as to the sex accommodated therein;

(G) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule immediately adjacent thereto. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels;

(H) The premises shall be equipped with a service sink for custodial services:

(I) The premises shall meet the Building Code and Fire Code of the city. The Health Officer, the Building Inspector, and the Fire Inspector shall certify that the proposed massage establishment complies with all the requirements of this section and shall send such certification to the License Inspector.
(Ord. 1096, passed 9-9-1985)

§ 118.12 OPERATING REQUIREMENTS.

(A) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(B) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

(C) All employees, including masseurs and masseuses, shall be clean and wear clean, nontransparent outer garments. A separate dressing room for each sex must be available on the premises and each dressing room shall contain a tub or shower in good working order and individual lockers for each employee and customer. Doors to such dressing rooms shall open inward and shall be self-closing.

(D) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

(E) The sexual or genital area of patrons must be covered by towels, cloths, or undergarments when in the presence of an employee, masseur, or masseuse.

(F) It shall be unlawful for any person knowingly, in a massage establishment, to place their hand upon, to touch with any part of their body, to fondle in any manner, or to massage a sexual or genital area of any other person.

(G) No masseur or masseuse, employee, or operator shall perform, offer or agree to perform, any act which would require the touching of the patron's sexual or genital area.

(H) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

(I) Oils, creams, lotions, or other preparations used in administering massage shall be kept in clean, closed containers or cabinets.

(J) Eating in the massage work areas shall not be permitted. Animals, except for seeing-eye dogs, shall not be permitted in the massage work areas.

(K) Each masseur and masseuse shall wash their hands in hot running water, using a proper soap or disinfectant before administering a massage to each patron.

(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.13 INSPECTIONS.

The Police Department and the Department of Public Health shall, from time to time, at least twice a year, make an inspection of each massage establishment granted a permit under the provisions of this chapter for the purposes of determining whether the provisions of this chapter are complied with. Such inspections shall be made at reasonable times and in a

reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.14 EMPLOYMENT OF MINORS PROHIBITED.

It shall be unlawful for any owner, proprietor, manager, or other person in charge of any massage establishment to employ any person who is not at least 18 years of age.

(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.15 TRANSFER OF PERMITS.

No permit for the operation of a massage establishment issued pursuant to the provisions of this chapter shall be transferable except with the written consent of the Mayor and approval of the Health Officer; provided, however, that upon the death or incapacity of the permittee, the massage establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit.

(Ord. 1096, passed 9-9-1985)

§ 118.16 DISPLAY OF PERMIT.

Every permittee shall display a valid permit in a conspicuous place within the massage establishment so that the same may be readily seen by persons upon entering the premises.

(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.17 RESPONSIBILITIES OF EMPLOYER.

It shall be the responsibility of the permittee and the employer of any person purporting to act as masseurs and masseuses to insure that each person employed as a masseur or masseuse shall first have obtained a valid permit pursuant to this chapter.

(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.18 TIME LIMIT FOR FILING APPLICATION.

All persons who presently operate a massage establishment or who are employed as a masseuse or masseur must apply for a permit. Applications for renewal of permits must be filed not more than 2 months nor less than 1 month prior to termination of an existing permit.

(Ord. 1096, passed 9-9-1985)

§ 118.19 EXCEPTIONS TO CHAPTER.

This chapter shall not apply to licensed hospitals, licensed nursing homes or clinics, or persons holding an unrevoked certificate to practice the healing arts under the laws of the state, or persons working under the direct supervision and in their presence, of any such persons or in any such establishments; nor shall this chapter apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the state.

(Ord. 1096, passed 9-9-1985)

§ 118.20 KEEPING OF RECORDS.

(A) Every person who operates a massage business or practices or provides a massage shall, at all times, keep an appointment book in which the name and address of each and every patron shall be entered, together with the time, date, service provided, and the price charged.

(B) Such appointment book shall be available at all times for inspection by any person authorized to make inspections under this chapter, or by his or her respective authorized representative.

(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

**§ 118.21 MINORS ON PREMISES
PROHIBITED.**

No person shall permit any person under the age of 18 years to come or remain on the premises of any massage business establishment, and no person under 18 years of age shall remain there.

(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.22 REVIEW OF LICENSE DECISIONS.

The decision of the License Inspector with regard to the issuance, suspension, or revocation of any license under this chapter shall be reviewable by the Mayor of the city upon the written request of the party filed with the Mayor within 10 days of such refusal, revocation, or suspension. The Mayor shall review evidence previously submitted to the License Inspector and any additional evidence presented with the written request for review. The decision of the Mayor, upon such review, shall be a final, appealable order.

(Ord. 1096, passed 9-9-1985)

§ 118.99 PENALTY.

Any person, firm, or corporation violating any provision of this chapter shall be fined not less than \$5 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 1096, passed 9-9-1985)

CHAPTER 119: AMBULANCE SERVICES

Section

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- 119.02 License required
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Cross-reference:

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§ 119.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMBULANCE. Any privately- or publicly-owned motor vehicle or aircraft that is specially designed or constructed, and equipped, and is intended to be used for and is maintained or operated for the transportation of patients, including funeral coaches or hearses which otherwise comply with the provisions of this chapter, except any such motor vehicle or aircraft owned by or operated under the direct control of the United States.

AMBULANCE SERVICE. The providing by any person of an ambulance or ambulances as hereinbefore defined.

ATTENDANT. A trained and/or qualified individual responsible for the operation of an ambulance and the care of the patients whether or not the attendant also serves as driver.

ATTENDANT DRIVER. A person who is qualified as an attendant and a driver.

DRIVER. An individual who drives or pilots an ambulance.

HEALTH OFFICER. The city Health Officer or any designated official of the Division of Emergency Medical Services and Highway Safety of the Illinois Department of Public Health.

LICENSE OFFICER. The Mayor of the city.

PATIENT. An individual who is sick, injured, wounded, or otherwise incapacitated or helpless. (Ord. 1005, passed 3-2-1981)

§ 119.02 LICENSE REQUIRED.

No person, either as owner, agent, or otherwise, shall operate, conduct, or maintain an ambulance service with its place of business, be it principal or secondary, within the city unless he or she holds a currently valid license for an ambulance service, issued pursuant to this chapter. An ambulance service

operated by an agency of the United States shall not be required to be licensed hereunder.

(Ord. 1005, passed 3-2-1981) Penalty, see § 119.99

§ 119.03 APPLICATION FOR AMBULANCE SERVICE LICENSE.

Applications for ambulance service licenses shall be made to the License Officer and shall contain:

(A) The name and address of the applicant and of the owner of the ambulance or ambulances.

(B) The trade or other fictitious name, if any, under which the applicant does business and proposes to do business.

(C) The training and experience of the applicant in the transportation and care of patients.

(D) A description of each ambulance, including the make, model, year of manufacture, motor and chassis number; current state or Federal Aviation Agency license number; the length of time the ambulance has been in use; and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance or ambulances.

(E) The location and description of the place or places from which it is intended to operate.

(F) Such other information as the license officer shall deem reasonably necessary to a fair determination of compliance with this chapter.

(G) An accompanying license fee for a license to operate an ambulance service of \$1.
(Ord. 1005, passed 3-2-1981)

§ 119.04 STANDARDS FOR AMBULANCE SERVICE LICENSE.

(A) Each ambulance service shall, at all times, be in compliance with the Ambulance Service Voluntary Compliance Program as promulgated by the Illinois Department of Public Health, Division of Emergency Medical Services and Highway Safety as

may be in effect at that time and comply with all other applicable laws and local ordinances regarding the health, sanitation, safety, and the operation of an ambulance service.

(B) Any change of ownership of a licensed ambulance service shall terminate the licenses, and shall require a new application and a new license and conformance with all the requirements of this chapter as upon original licensing.

(C) Licenses shall run from January first of each year through December thirty-first of that year.

(D) Application for transfer of any ambulance service license to another person shall require conformance with all the requirements of this chapter as upon original licensing. No ambulance license may be sold, assigned, mortgaged, or otherwise transferred without the approval of the license officer and a finding of conformance with all the requirements of this chapter as upon original licensing.

(E) Each licensed ambulance service, its equipment and the premises designated in the application and all records relating to its maintenance and operation as such, shall be open to inspection by the Health Officer or his or her designated representatives during usual hours of operation.

(F) No official entry made upon a license may be defaced, removed or obliterated.

(Ord. 1005, passed 3-2-1981) Penalty, see § 119.99

§ 119.05 LIABILITY INSURANCE REQUIRED.

(A) No ambulance service license shall be issued under this chapter, unless there is at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the state, for each and every ambulance owned or operated by or for the applicant or licensee, providing for the payment of damages:

(1) For injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of

liability imposed on the owner by law, regardless of whether the ambulance was being driven by the owner or the owner's agent; and

(2) For the loss of or damage to the property of another, including personal property, under like circumstances, in such sums and under such terms as may be required in regulations promulgated by the License Officer.

(B) Said insurance policies shall be submitted to the License Officer for approval prior to the issuance of each ambulance service license. Satisfactory evidence that such insurance is at all times in force and effect shall be furnished to the License Officer, in such form as the License Officer may specify, by all licensees required to provide such insurance under the provisions of this chapter.

(C) Every insurance policy required hereunder shall extend for the period to be covered by the license applied for.
(Ord. 1005, passed 3-2-1981)

§ 119.06 DUTIES OF LICENSE OFFICER.

(A) The License Officer shall, within 30 days after receipt of an application for an ambulance service license as provided for herein, cause such investigation as he or she deems necessary to be made of the applicant and of the applicant's proposed operations.

(B) The License Officer shall issue a license to be valid for a period of 1 year, said year running from January first through December thirty-first, unless earlier suspended, revoked or terminated, when he or she finds:

(1) That each such ambulance service, its required equipment and the premises designated in the application have been certified by the Health Officer as provided for herein;

(2) That the applicant is a responsible and proper person to conduct or work in the proposed business;

(3) That only duly licensed drivers, attendants and attendant drivers are employed in such capacities;

(4) That all the requirements of this chapter and all other applicable laws and ordinances have been met.
(Ord. 1005, passed 3-2-1981)

§ 119.07 DUTIES OF HEALTH OFFICER.

(A) Prior to the issuance of any ambulance service license hereunder, the Health Officer shall cause to be inspected the vehicles, equipment, and premises designated in each application hereunder, and shall certify approval in a written report to the License Officer when the Health Officer finds compliance with the standards prescribed in § 119.04(A) of this chapter, and with the regulations promulgated under such section; provided, however, that under the terms of this chapter the Health Officer shall have no responsibility, and shall exercise no authority in connection with laws and ordinances of general applicability which deal with motor vehicle inspection.

(B) Subsequent to issuance of any ambulance license hereunder, the Health Officer shall cause to be inspected each such licensed vehicle, and its equipment and premises, whenever the Health Officer deems such inspection to be necessary but in any event no less frequently than yearly and shall promptly report the findings in a written report to the License Officer. The periodic inspection required hereunder shall be in addition to any other safety or motor vehicle inspection required to be made for ambulances or other motor vehicles, or other inspections required to be made, under general law or ordinances.

(C) A copy of each initial, yearly equipment and premises inspection report submitted by the Health Officer to the License Officer under the provisions of this section shall be promptly transmitted to the applicant or licensee to whom it refers.
(Ord. 1005, passed 3-2-1981)

§ 119.08 STANDARDS FOR AMBULANCE EQUIPMENT.

(A) Required equipment in each ambulance shall include, at all times when the ambulance is in use, such equipment adequate in the judgment of the Health Officer for insuring the comfort and care of persons who are injured or ill and in need of ambulance transportation.

(B) The Health Officer is authorized to promulgate regulations, after public notice and opportunity for public hearing, for the implementation of standards provided herein, as to required equipment in ambulances. In determining the adequacy of equipment, the Health Officer shall take into consideration the current list of essential equipment for ambulances, adopted by the American College of Surgeons or its duly authorized Committee on Trauma. Each licensee of an ambulance service shall comply with such reasonable regulations hereunder as may be promulgated by the Health Officer and shall maintain in each such ambulance, at all times when it is in use as such, all such equipment as may be prescribed by the Health Officer hereunder.
(Ord. 1005, passed 3-2-1981)

§ 119.09 APPLICATION FOR DRIVER AND ATTENDANT LICENSES.

Applications for drivers, attendants, and attendant-drivers licenses hereunder shall be made upon such forms as may be prepared or prescribed by the License Officer and shall contain:

(A) The applicant's full name, current residence, place of residence for 1 year previous to moving to this present address, and length of time he or she has resided in the state;

(B) The applicant's age, marital status, height, and color of eyes and hair;

(C) Whether the applicant has ever been convicted of a felony or misdemeanor, and if so, when and where and for what cause;

(D) The applicant's training and experience in the transportation and care of patients, and whether the applicant has previously been licensed as a driver, chauffeur, attendant, or attendant-driver, and if so, when and where, and whether the applicant's license has ever been revoked or suspended in any jurisdiction and for what cause;

(E) Two recent photographs of the applicant, of a size designated by the License Officer, 1 of which shall be attached by the License Officer to the license;

(F) Such other information as the License Officer shall deem reasonably necessary to a fair determination of compliance with this chapter.
(Ord. 1005, passed 3-2-1981)

§ 119.10 STANDARDS FOR DRIVER AND ATTENDANT LICENSES.

(A) The License Officer shall, within a reasonable time after receipt of an application as provided for herein, cause such investigation as the License Officer deems necessary to be made of the applicant for a drivers, attendants, or attendant-drivers license.

(B) The License Officer shall issue a license to a driver, attendant, or attendant-driver hereunder, valid for a period of 1 year, unless earlier suspended, revoked or terminated, when the License Officer finds that the applicant:

(1) Is not addicted to the use of intoxicating liquors or narcotics, and is morally fit for the position;

(2) Is able to speak, read, and write the English language;

(3) Has been found by a duly licensed physician, upon examination attested to on a form provided by the Health Officer, to be of sound physique, possessing eyesight in 1 eye of 20/20 vision, and the other or worse eye can be corrected to at least 20/40 vision, and free of physical defects or diseases which might impair the ability to drive or attend an ambulance.

Provided however, that no one shall be licensed as a driver or attendant driver unless that person holds a currently valid chauffeur's permit from the state, or FAA commercial license for aircraft pilots.

(C) A license as driver, attendant or attendant-driver issued hereunder shall not be assignable or transferable.

(D) No official entry made upon a license may be defaced, removed, or obliterated.
(Ord. 1005, passed 3-2-1981)

§ 119.11 RENEWAL OF LICENSE.

Renewal of any license hereunder, upon expiration for any reason or after revocation, shall require conformance with all the requirements of this chapter as upon original licensing.
(Ord. 1005, passed 3-2-1981)

§ 119.12 REVOCATION OF LICENSE.

(A) The License Officer may, and is hereby authorized to, suspend or revoke a license issued hereunder for failure of a licensee to comply and to maintain compliance with, or for violation of any applicable provisions, standards or requirements of this chapter, or of regulations promulgated thereunder, or of any other applicable laws or ordinances or regulations promulgated thereunder; but, only after warning and such reasonable time for compliance as may be set by the License Officer. Within 10 days after a suspension, the licensee shall be afforded a hearing, after reasonable notice. The License Officer shall, within 14 days after conclusion of such hearing, issue a written decision (which shall include written findings) as to the suspension of said license. Such written decision shall be promptly transmitted to the licensee to whom it refers.

(B) The initial yearly ambulance, equipment, and premise inspection reports of the Health Officer herein provided for shall be prima facie evidence of compliance or non-compliance with, or violation of,

the provisions, standards, and requirements provided herein, and of the regulations promulgated hereunder, for the licensing of ambulances.

(C) Upon suspension, revocation, or termination of an ambulance service license hereunder, such ambulance service shall cease operations as such and no person shall permit such ambulance to continue operations as such. Upon suspension, revocation, or termination of a drivers, attendants, or attendant-drivers license hereunder, such driver, attendant, or attendant-driver shall cease to drive or attend an ambulance and no person shall employ or permit such individual to drive or attend an ambulance.

(Ord. 1005, passed 3-2-1981)

§ 119.13 OBEDIENCE TO TRAFFIC REGULATIONS.

(A) The driver of an ambulance, when responding to an emergency call or while transporting a patient, may exercise the privileges set forth in this section, but subject to the conditions herein stated, and only when such driver has reasonable grounds to believe that an emergency in fact exists requiring the exercise of such privileges.

(B) Subject to the provisions of division (A) hereof, the driver of an ambulance may:

(1) Park or stand, irrespective of the otherwise applicable provisions of law, ordinance, or regulation;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the maximum speed limits permitted by law, ordinance, or regulation so long as the driver does not endanger life or property; and

(4) Disregard laws, ordinances, or regulations governing direction or movement or turning in specified directions.

(C) The exemptions herein granted shall apply only when such ambulance is making use of audible and visual signals meeting the requirements of law, ordinance, or regulation.

(D) The foregoing provisions shall not relieve the driver of an ambulance from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of the driver's reckless disregard for the safety of others. (Ord. 1005, passed 3-2-1981) Penalty, see § 119.99

§ 119.14 AMBULANCE SERVICE FEES.

(A) The following fees are hereby established for fees charged for advanced life support ambulance services and basic life support ambulance services and related matters for services as set forth below.

AMBULANCE FEE SCHEDULE		
SERVICE	NON-RESIDENT	RESIDENT
<i>Advanced Life Support - Except Public Aid and Medicare:</i>		
ALS-1 base rate	\$750	\$600
ALS-2 base rate	\$1,000	\$600
3 miles average @ \$25/mile (actual miles will be billed)	\$75	\$75
Oxygen	\$75	\$75
Pulse oximeter	\$75	\$75
Cardiac monitor	\$75	\$75
<i>Advanced Life Support Medicare or Public Aid:</i>		
ALS-1 base rate	\$500	
ALS-2 base rate	\$650	
2 miles average @ \$10/mile (actual miles will be billed)	\$30	
Oxygen (public aid only)	\$75	
<i>Basic Life Support Except Medicare or Public Aid:</i>		
Base rate	\$550	\$450
3 miles average @ \$25/mile (actual miles will be billed)	\$75	\$75
Total	\$625	\$525
<i>Basic Life Support Medicare or Public Aid:</i>		
Base rate	\$375	
3 miles average @ \$10/mile (actual miles will be billed)	\$30	
Total	\$405	

(B) *Refuse treatment billing.* Any person or resident who requests emergency medical services from the Fire Department ambulance, and is treated but refuses transport to the hospital will be charged a minimum of \$100.

(C) All fees will be determined by the above chart; however, for ambulance services provided to patients covered under the federal Medicare system, Medicare will be billed under the appropriate billing

code as provided under the Uniform Medicare Fee Schedule for ambulance services, as the same may be from time to time amended, and based on services provided and the mileage covered.

(D) In the event that additional care is provided, additional treatment will be billed when appropriate in a fair, reasonable, usual and customary manner.

(E) In the event that an individual who received ambulance services received compensation from a third party, which is allocable to ambulance service fee, such compensation shall be promptly forwarded by the individual to the city.

(F) Notwithstanding anything else contained herein to the contrary, under no circumstances shall any term or provision of this schedule adversely affect the rights of the city as set forth in the Illinois Health Care Services Lien Act (ILCS Ch. 770, Act 23) or other statutory and/or legal lien and/or other remedy available.

(Ord. 2258, passed 1-10-2011)

§ 119.99 PENALTY.

(A) Any person violating, or failing to comply with, the provisions of § 119.02 and the applicable provisions hereof relating to the licensing of ambulances, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not exceeding \$500.

(B) Any person violating, or failing to comply with, any other provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not exceeding \$500.

(C) Each day that any violation of, or failure to comply with, this chapter is committed or permitted to continue shall constitute a separate and distinct offense under this section and shall be punishable as such hereunder.

(Ord. 1005, passed 3-2-1981)

CHAPTER 120: ADULT USES

Section

- 120.01 Definitions
- 120.02 Adult uses enumerated
- 120.03 Limitations on adult uses
- 120.04 Measurement of distances
- 120.05 License required, filing of application, and filing fee
- 120.06 Contents of application for license
- 120.07 Issuance of adult use license
- 120.08 Suspension or revocation of license for adult use
- 120.09 Automatic suspension
- 120.10 Exterior display
- 120.11 Display of license and permit
- 120.12 Employment of persons under age prohibited
- 120.13 Illegal activity on premises

- 120.99 Penalty

§ 120.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT BOOK STORE. An establishment having as a substantial portion of its stock in trade, books, magazines, films for sale or viewing on the premises by use of motion picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities, or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

ADULT ENTERTAINMENT CABARET. A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers and/or waitresses, strippers, male or female impersonators, or similar entertainers.

ADULT MINI MOTION PICTURE THEATER. An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons thereon.

ADULT MOTION PICTURE THEATER. An enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting motion pictures having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

BODY SHOP OR MODEL STUDIO. Any public or private establishment which describes itself as a body shop or model studio, or where for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by person paying such consideration or gratuity, or share for any form of consideration or gratuity, nude and seminude dancing, readings, counseling sessions, body painting, and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or

specified anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity.

BUILDING STRUCTURE. Any structure or group of structures housing 2 or more businesses which share a common entry, exit, wall, or frontage wall, including, but not limited to, shopping centers, shopping malls, shopping plazas, or shopping squares.

SPECIFIED ANATOMICAL AREAS. Any of the following conditions:

(1) Less than completely and opaquely covered:

(a) Human genitals, pubic region, or pubic hair;

(b) Buttock; or

(c) Female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely covered.

SPECIFIED SEXUAL ACTIVITIES. Any of the following conditions:

(1) Human genitals in a state of sexual stimulation or arousal.

(2) Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation, or flagellation.

(3) Fondling or erotic touching of human genitals, pubic region, buttock, or female breast.

(4) Excretory functions as part or in connection with any activities set forth in (1) through (3) above.

(Ord. 1157, passed 10-19-1987)

§ 120.02 ADULT USES ENUMERATED.

The following shall be considered adult uses for the purpose of this chapter:

(A) Adult book stores;

(B) Adult motion picture theater;

(C) Adult mini motion picture theater;

(D) Adult entertainment cabaret;

(E) Body shop or model studio.

(Ord. 1157, passed 10-19-1987)

§ 120.03 LIMITATIONS ON ADULT USES.

Adult uses shall be permitted subject to the following restrictions:

(A) An adult use shall not be allowed within 500 feet of another existing adult use.

(B) An adult use shall not be located within 700 feet of any zoning district which is zoned for Single-Family Residence District (R-1), Single-Family Residence District (R-2), Two-Family Residence District (R-3), or Multiple Dwelling District (R-4).

(C) An adult use shall not be located within 500 feet of a preexisting school or place of worship.

(D) An adult use shall not be located in a building structure which contains another business that sells or dispenses in some manner alcoholic beverages.

(Ord. 1157, passed 10-19-1987)

§ 120.04 MEASUREMENT OF DISTANCES.

For the purpose of this chapter, measurements shall be made in a straight line, without regard to intervening structures or objects, from the property

line of the adult use to the nearest property line of another adult use, school, place of worship, or district zoned for residential use.

(Ord. 1157, passed 10-19-1987)

§ 120.05 LICENSE REQUIRED, FILING OF APPLICATION, AND FILING FEE.

(A) It shall be unlawful for any person to engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises in the city, the operation of an adult use as herein defined, without first having obtained a separate license of such adult use from the City Clerk.

(B) Every applicant for a license to maintain, operate, or conduct an adult use shall file an application in duplicate under oath with the City Clerk upon a form provided by the City Clerk and pay a nonrefundable filing fee of \$100 to the City Clerk, who shall issue a receipt which shall be attached to the application filed with the City Clerk.

(C) Within 14 days after receiving the application, the City Clerk shall notify the applicant that the application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional 30 days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the City Clerk shall advise the applicant in writing whether the application is granted or denied.

(D) Whenever an application is denied or held for further investigation, the City Clerk shall advise the applicant in writing of the reasons for such action. Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding the application or his or her refusal to submit to or cooperate with any inspection or

investigation required by this chapter shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the City Clerk.

(Ord. 1157, passed 10-19-1987) Penalty, see § 120.99

§ 120.06 CONTENTS OF APPLICATION FOR LICENSE.

An applicant for a license shall furnish the following information under oath:

(A) Name and address;

(B) Written proof that the individual is at least 18 years of age;

(C) The exact nature of the adult use to be conducted and the proposed place of business and facilities thereto;

(D) All residential addresses for applicant for the past 3 years;

(E) The applicant's height, weight, color of eyes and hair;

(F) The business occupation or employment of the applicant for the 3 years immediately preceding the date of application;

(G) All criminal or city ordinance violation convictions, forfeiture of bond and pleadings of plea on all charges except minor traffic violations within the last 3 years.

(H) If the applicant is a corporation or a partner in a partnership, the name of the corporation shall be set forth exactly in its articles of incorporation and shall list the names of all partners or shareholders owning an interest of 10% or more.

(Ord. 1157, passed 10-19-1987)

§ 120.07 ISSUANCE OF ADULT USE LICENSE.

(A) The City Clerk shall issue a license to maintain, operate, or conduct an adult use unless the City Clerk finds:

(1) That the applicant is under the age of 18 years or under any legal disability;

(2) That the applicant, at the time of application for renewal of any license issued under this chapter, would not be eligible for such license upon a first application.

(B) Every adult use license issued pursuant to this chapter will terminate at the expiration of 1 year from the date of its issuance, unless sooner revoked. (Ord. 1157, passed 10-19-1987)

§ 120.08 SUSPENSION OR REVOCATION OF LICENSE FOR ADULT USE.

(A) Any license issued for an adult use may be revoked or suspended by the Mayor if the Mayor shall find:

(1) That the licensee has violated any of the provisions of this chapter regulating adult uses;

(2) The licensee has knowingly furnished false or misleading information or withheld relevant information on any application for any license or permit required by this chapter or knowingly caused or suffered another to furnish or withhold such information on his or her behalf.

(B) The Mayor, before revoking or suspending any license, shall give the licensee at least 10-days' written notice of the charges against him or her and the opportunity for a public hearing before the Mayor, at which time the licensee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing. (Ord. 1157, passed 10-19-1987)

§ 120.09 AUTOMATIC SUSPENSION.

(A) In the event a person under the age of 18 years is on the premises of an establishment operating as an adult use under this chapter, and views any specified sexual activities or specified anatomical areas as defined in § 120.01 of this chapter, then the license issued pursuant to this chapter shall be suspended for a period of 3 months.

(B) In the event a licensee is convicted of violating any of the provisions of ILCS Ch. 720, Act 5, § 11-20, as now in force or as may be amended from time to time, then the license issued pursuant to this chapter shall be suspended for a period of 3 months.

(C) The Mayor, before suspending any license, shall give at least 10-days' written notice of the charge. The licensee may within 5 days of receipt of the notice request a public hearing before the Mayor at which time the licensee may present evidence bearing upon the question. The notice required hereunder may be delivered personally to the licensee or be posted on the premises of the establishment being used as an adult use. (Ord. 1157, passed 10-19-1987)

§ 120.10 EXTERIOR DISPLAY.

No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window, or other opening from any public way or from any property not licensed as an adult use. (Ord. 1157, passed 10-19-1987) Penalty, see § 120.99

§ 120.11 DISPLAY OF LICENSE AND PERMIT.

Every licensee shall display a valid license in a conspicuous place within the adult use business so that the same may be readily seen by persons entering the premises.

(Ord. 1157, passed 10-19-1987) Penalty, see § 120.99

§ 120.12 EMPLOYMENT OF PERSONS UNDER AGE PROHIBITED.

It shall be unlawful for any adult use licensee or his or her manager or employee to employ in any capacity within the adult business any person who is not at least 18 years of age.

(Ord. 1157, passed 10-19-1987) Penalty, see § 120.99

§ 120.13 ILLEGAL ACTIVITY ON PREMISES.

No licensee or any officer, associate, member, representative, agent or employee of such licensee shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by any ordinance of the city or law of the state or the United States.

(Ord. 1157, passed 10-19-1987) Penalty, see § 120.99

§ 120.99 PENALTY.

Any person who shall violate any of the provisions of this chapter shall be guilty of a violation. A person who is convicted shall be punished by a fine of not less than \$300 nor more than \$500.

(Ord. 1157, passed 10-19-1987)

CHAPTER 121: AUTO COURTS

Section

- 121.01 Definition
- 121.02 License required, application and plans
- 121.03 License fee
- 121.04 Fire walls, sanitary requirements, lights
- 121.05 Accommodation of trailer coaches
- 121.06 Violations; inspections

§ 121.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

AUTO COURT. Any parking lot, motel, garage, or tract of land for the accommodation of motor vehicles where transient sleeping accommodations are afforded or provided on the same premises for the public or for the occupants of the automobiles; provided, that a hotel which furnishes parking space or has a garage in connection with the hotel shall not be construed as an auto court.
(1963 Code, § 5-11-1) (Ord. 581, passed 7-10-1957)

§ 121.02 LICENSE REQUIRED, APPLICATION AND PLANS.

(A) It shall be unlawful to conduct or operate an auto court in the city without having first obtained a license therefor or without complying with all of the provisions of this chapter.
(1963 Code, § 5-11-2)

(B) Each applicant for a license to operate or maintain an auto court shall file an application with the Clerk; and shall state thereon, the name and address

of the applicant, name and address of the owner or manager thereof, location of the auto court, and the maximum number of persons and vehicles to be accommodated. This application shall be accompanied by plans of the auto court showing the proposed or existing locations of all building, toilet, bath and wash basin facilities, slop sinks, water faucets, sewer connections, driveways, and other improvements.
(1963 Code, § 5-11-3) (Ord. 581, passed 7-10-1957)
Penalty, see § 10.99

§ 121.03 LICENSE FEE.

The annual license fee for such license shall be \$100; and the license year shall be the same as that provided for general business licenses in the city.
(1963 Code, § 5-11-5) (Ord. 581, passed 7-10-1957)

§ 121.04 FIRE WALLS, SANITARY REQUIREMENTS, LIGHTS.

(A) No parking space shall be provided for motor vehicles within 10 feet of any building or structure used for housing accommodations in an auto court unless the wall facing such parking space is constructed of fireproof materials and unless the windows in such wall, if any, are equipped with reinforced fire resistant glass.
(1963 Code, § 5-11-4)

(B) No such premises shall be operated as an auto court unless they are equipped with adequate toilet and other sanitary facilities to serve the total number of persons accommodated therein. All such

sanitary facilities shall be properly connected with the sanitary sewer system of the city if the premises are located on a street served by such sewer or with a septic tank complying with the regulations pertaining thereto.

(1963 Code, § 5-11-6)

(C) Any area or premises of an auto court open to use by the public or by all persons staying in or being accommodated in the court shall be kept adequately lighted at nighttime; provided, that such lights must be so shaded or otherwise regulated so as to prevent them from shining upon any adjacent premises.

(1963 Code, § 5-11-8) (Ord. 581, passed 7-10-1957)
Penalty, see § 10.99

§ 121.05 ACCOMMODATION OF TRAILER COACHES.

It shall be unlawful to use or permit the use of an auto court for the accommodation of a trailer coach unless all requirements pertaining to trailer camps including, but not limited to, those set forth in the city zoning ordinance are complied with; provided, that where a license fee for a trailer coach park has been paid, it shall not be necessary to pay an additional fee for the operation of an auto court on the same premises.

(1963 Code, § 5-11-9) (Ord. 581, passed 7-10-1957)
Penalty, see § 10.99

§ 121.06 VIOLATIONS; INSPECTIONS.

(A) It shall be unlawful to permit any violation of this code or other law in any auto court; such premises must be kept clean and sanitary at all times, and waste material must be removed therefrom at least once every 24 hours. The Chief of Police shall inspect or cause to be inspected each auto court to see to the compliance with the provisions of this chapter.

(B) It shall be unlawful to use or permit the use of any auto court, or any portion thereof, for immoral purposes.

(1963 Code, § 5-11-7) (Ord. 581, passed 7-10-1957)
Penalty, see § 10.99

CHAPTER 122: BILL POSTING

Section

- 122.01 License required, application and fee
- 122.02 Bond required
- 122.03 Term of license
- 122.04 Placing handbills on vehicles
- 122.05 Owner's permission required for posting
- 122.06 Mutilation of lawfully posted bills prohibited

§ 122.01 LICENSE REQUIRED, APPLICATION AND FEE.

(A) It shall be unlawful for any person to post, tack up, exhibit or carry for distribution along any street any handbills, circulars, sheets, lithographs, signs, books, pamphlets or advertising samples without having first obtained a license and given bond in accordance with the terms of this chapter. (1963 Code, § 5-4-1)

(B) The license herein mentioned shall be granted by the Mayor and countersigned by the Clerk, upon the proper application therefor, and the payment into the Treasury of the sum of \$50 in advance, together with the sum of \$1 to the Clerk for his or her fees for the issuance thereof, and after the approval of the bond as aforesaid. (1963 Code, § 5-4-3) (Ord. passed 5-20-1919)

§ 122.02 BOND REQUIRED.

The bond shall be in the penal sum of \$500, signed by 2 good and sufficient sureties, to be approved by the Council, and among other things shall be conditional that no obscene, immoral or indecent

handbills, circulars or other advertising matter shall be posted or distributed upon any of the streets in the city. (1963 Code, § 5-4-2)

§ 122.03 TERM OF LICENSE.

The license shall be in force from the time of its issuance up to, and including, April 30 next following, and no license shall be granted for any purpose other than in accordance with the terms of this chapter. (1963 Code, § 5-4-4)

§ 122.04 PLACING HANDBILLS ON VEHICLES.

It shall be illegal and a violation of this chapter for any person to place, throw or otherwise distribute any handbills, circulars, sheets, lithographs, signs, books, pamphlets, or advertising samples upon any public street, alley, or sidewalk of the city, or to paste, attach or place the same in or upon any vehicle, or other privately or publicly owned conveyance of any sort, without the permission of the owner of such conveyance first being had and secured. No license issued or bond approved hereunder shall be construed to permit the owner or holder thereof to violate any of the provisions of this section. (1963 Code, § 5-4-5) (Ord. 270, passed 3-31-1930) Penalty see § 10.99

§ 122.05 OWNER'S PERMISSION REQUIRED FOR POSTING.

It shall be unlawful for any person to place any advertisement, handbill or placard upon any wall, building, fence, sidewalk or other property, public or private, without the permission of the owner or person in charge thereof.

(1963 Code, § 5-4-6)

§ 122.06 MUTILATION OF LAWFULLY POSTED BILLS PROHIBITED.

It shall be unlawful for any person to cover, mutilate, deface, tear down or injure in any manner any poster, bill or advertisement lawfully posted in the city within 10 days after the same has been posted nor until after the expiration of the date where the same are dated.

(1963 Code, § 5-4-7)

CHAPTER 123: JUNK DEALERS AND SCAVENGERS

Section

Junk Dealers

- 123.01 Definitions
- 123.02 License required; application
- 123.03 Term of license
- 123.04 License fees
- 123.05 Location restrictions
- 123.06 Purchases from minors
- 123.07 Keeping of records

Scavengers

- 123.20 Definitions
- 123.21 License required
- 123.22 Deposit on streets
- 123.23 Uncovered garbage
- 123.24 Wind blown refuse
- 123.25 Collection of garbage, refuse, ashes
- 123.26 Commercial building garbage removal
- 123.27 Transportation of loose materials
- 123.28 Disinfected carts; vehicles
- 123.29 Containers
- 123.30 Evidence of violation

JUNK DEALERS

§ 123.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

JUNK. Old iron, chain, brass, copper, tin, lead or other base metals, old rope, old bags, rags, wastepaper, paper clippings, scraps of woollens, clips,

bagging, rubber and glass, and empty bottles of different kinds and sizes when the number of each kind or size is less than 1 gross, and all articles and things discarded or no longer used as a manufactured article composed of or consisting of any 1 or more of the materials or articles herein mentioned.

JUNK DEALER. Every person that shall engage in the business of buying, selling, bartering, or exchanging, or that shall collect, receive, store, or hold in possession for sale, barter, or exchange, any of the things by this section defined as junk, whether dealing at wholesale or at retail, or as a junk peddler. (1963 Code, § 5-8-1)

§ 123.02 LICENSE REQUIRED; APPLICATION.

No person shall carry on or conduct the business of a junk dealer without first having paid the fees herein provided for and obtained a license from the city. Such license fees shall be payable to the Clerk, to whom application for license shall first be made in writing.

(1963 Code, § 5-8-2) (Ord. 319, passed 6-6-1933)
Penalty, see § 10.99

§ 123.03 TERM OF LICENSE.

The license herein provided for shall be paid in 2 equal installments: 1 on or before the first day of May, and the other on or before the first day of November.

(1963 Code, § 5-8-3) (Ord. 331, passed 6-18-1934)

§ 123.04 LICENSE FEES.

(A) The license fees for licenses herein provided for shall be as follows:

(1) The sum of \$200 per annum, in advance, as a license fee for each junk store or yard maintained or conducted by any junk dealer.

(2) The sum of \$100 per annum, in advance, as a license fee for each truck or other vehicle used in the conduct of business by any junk dealer not maintaining or conducting a store or yard.

(3) The sum of \$100 per annum, in advance, as a license fee for pursuing the business of junk dealer by any person having no store or yard and using no truck or other vehicle in the conduct of said business.

(B) The provisions of this section relating to license fees shall not apply to the custodian of the city dumping grounds.

(1963 Code, § 5-8-4) (Ord. 502, passed 5-7-1951)

§ 123.05 LOCATION RESTRICTIONS.

(A) It shall be unlawful for any person to establish or maintain any junk shop or junk yard, wholesale or retail, within 700 feet of any church, hospital, or public or parochial school in the city.

(B) It shall be unlawful for any person to establish or maintain any junk shop or junk yard on any lot, a part of which fronts on any street in any block in which 2/3 of the buildings on both sides of the street are used exclusively for residence purposes, or within 300 feet of any such street or at any other place prohibited by the provisions of the Zoning Code.

(1963 Code, § 5-8-5) (Ord. 77, passed 6-18-1923) Penalty, see § 10.99

§ 123.06 PURCHASES FROM MINORS.

It shall be not be lawful for any junk dealer or other person to purchase, barter for, receive, or otherwise procure from any minor under the age of 18 years, without the written consent of the minor's parents or guardian, any piece of junk, as herein defined, or other articles of personal property.

(1963 Code, § 5-8-6) (Ord. passed 11-6-1917) Penalty, see § 10.99

§ 123.07 KEEPING OF RECORDS.

Any junk dealer shall, whenever requested by the Chief of Police or the Mayor, give a full and accurate account of how the dealer came into possession of any piece of junk, the person from whom the dealer purchased the same and the date of purchase, and for the purpose of rendering such statement, shall keep a book in which shall be entered the foregoing information, which book shall at all times be open to inspection by any officer of the city.

(1963 Code, § 5-8-7) Penalty, see § 10.99

SCAVENGERS**§ 123.20 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASHES. Residue from fires used for cooking and for heating buildings.

GARBAGE. Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage, and sale of produce.

REFUSE. Combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including,

but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including but not limited to, street sweepings, dirt, leaves, catch basin dirt, contents of litter receptacles. Provided, **REFUSE** shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler house cinders, lumber, or scraps of shavings.

(1963 Code, § 5-18-2) (Ord. 714, passed 8-22-1966)

§ 123.21 LICENSE REQUIRED.

(A) No person, firm, or corporation shall engage in the business of collecting and hauling garbage, ashes, or any other refuse without first having obtained a license as scavenger.

(B) Every person, firm, or corporation desiring to engage in business in the city as a scavenger shall make application to the Clerk for a license to do so and shall pay the Clerk an annual license fee in the amount of \$25.

(C) All licenses issued hereunder shall be issued by the Mayor and attested by the Clerk under the corporate seal of the city, and no license shall be issued until the application therefor, together with the annual fee accompanying it, shall have been approved by the Mayor. All applications for licenses shall remain on file in the office of the Clerk to be listed in a record to be kept for this purpose.

(D) It shall be unlawful to dispose of any garbage, refuse, or ashes anywhere within the city except in a state approved landfill, maintained by the city or leased by the city.

(1963 Code, § 5-18-1) (Ord. 714, passed 8-22-1966)
Penalty, see § 10.99

§ 123.22 DEPOSIT ON STREETS.

It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or alley in the city; provided, that this section shall not be construed to prohibit placing garbage, refuse, or ashes in a container complying with the provisions of this chapter preparatory to having such material collected and disposed of in the manner provided herein.

(1963 Code, § 5-18-3) (Ord. 714, passed 8-22-1966)
Penalty, see § 10.99

§ 123.23 UNCOVERED GARBAGE.

It shall be unlawful to place or permit to remain anywhere in the city any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered metal container.

(1963 Code, § 5-18-4) (Ord. 714, passed 8-22-1966)
Penalty, see § 10.99

§ 123.24 WIND BLOWN REFUSE.

It shall be unlawful to cause or permit to accumulate any dust, ashes, or trash of such a material that it can be blown away by the wind anywhere in the city except in a covered container.

(1963 Code, § 5-18-5) (Ord. 714, passed 8-22-1966)
Penalty, see § 10.99

§ 123.25 COLLECTION OF GARBAGE, REFUSE, ASHES.

The collection of garbage, refuse, and ashes in the city shall be either by private contract with a licensed scavenger, or by the city.

(1963 Code, § 5-18-6) (Ord. 714, passed 8-22-1966)

**§ 123.26 COMMERCIAL BUILDING
GARBAGE REMOVAL.**

The owners or occupants of all buildings other than private residences shall arrange for the removal of garbage and refuse from such buildings at regular intervals so as to maintain the cause of the health and welfare of the inhabitants of the city.

(1963 Code, § 5-18-7) (Ord. 714, passed 8-22-1966)

**§ 123.27 TRANSPORTATION OF LOOSE
MATERIALS.**

No person shall transport any sand, gravel, earth, ashes, stone, coal, wastepaper, filth, garbage, rubbish, or other loose or offensive materials or liquids in any vehicle upon the streets or alleys of the city unless the box or container or such materials upon the vehicle shall be sufficiently firm and tight so as to prevent the falling or spilling of any such material from the vehicle upon the streets or alleys, and the vehicles containing ashes, wastepaper, or rubbish, shall have a cover of canvas or other suitable covering so as to prevent the blowing, falling or spilling of ashes, wastepaper, or rubbish from vehicles upon the streets or alleys.

(1963 Code, § 5-18-8) (Ord. 714, passed 8-22-1966)

Penalty, see §10.99

§ 123.28 DISINFECTED CARTS; VEHICLES.

All carts and vehicles under the provisions of this subchapter shall be thoroughly disinfected and put in an inoffensive condition when not in use.

(1963 Code, § 5-18-9) (Ord. 714, passed 8-22-1966)

Penalty, see § 10.99

§ 123.29 CONTAINERS.

All garbage, refuse, and ashes for collection by the city or private scavenger shall be placed in metal containers equipped with a cover and equipped with

handles so that they may be lifted and carried by 1 person. No such container when filled with garbage shall weigh more than 40 pounds.

(1963 Code, § 5-18-10) (Ord. 714, passed 8-22-1966)

§ 123.30 EVIDENCE OF VIOLATION.

The fact that garbage, refuse, or ashes remain on any occupant's premises in the city in violation of this subchapter shall be prima facie evidence that the occupant of such premises is responsible for the violation of this chapter.

(1963 Code, § 5-18-11) (Ord. 714, passed 8-22-1966)

CHAPTER 124: REGISTRATION OF CERTAIN CONTRACTORS

Section

- 124.01 Definition
- 124.02 Registration required
- 124.03 Application; fee
- 124.04 Unlawful operation
- 124.05 Contractor exclusions

- 124.99 Penalty

§ 124.04 UNLAWFUL OPERATION.

It shall be unlawful for any person or entity to engage in the business of construction in the city, as defined within this chapter, without being registered as a contractor; and paying the fee associated, as required.
(Ord. 1961, passed 6-5-2006) Penalty, see § 124.99

§ 124.01 DEFINITION.

For purposes of this chapter, the term **CONTRACTOR** means any person and/or entity engaged in the type of business of constructing, altering, or repairing residential, commercial, and/or industrial structures and accessory structures, with said types of contractors to be as set forth in Exhibit "A", attached to Ordinance No. 1961, passed June 5, 2006, which is hereby made a part of this chapter as if fully set forth herein.
(Ord. 1961, passed 6-5-2006)

§ 124.05 CONTRACTOR EXCLUSIONS.

Notwithstanding anything else contained herein to the contrary, it is expressly provided that the term contractor shall not include the following:

(A) Any person performing work as a contractor solely for or on behalf of a governmental entity.

(B) An owner performing work on the owner's own premises.
(Ord. 1961, passed 6-5-2006)

§ 124.02 REGISTRATION REQUIRED.

Each contractor doing business within the city shall be required to register with the city on/or before May 1 of each year.
(Ord. 1961, passed 6-5-2006) Penalty, see § 124.99

§ 124.03 APPLICATION; FEE.

The manner of registration shall be that a contractor desiring to engage in the business of construction as defined herein in the city, shall file an application with the building inspection office, and pay the fee as required. The fee for registration shall be \$25 per year.
(Ord. 1961, passed 6-5-2006)

§ 124.99 PENALTY.

It shall be unlawful for any person or entity to engage in the business of a contractor, as defined in this chapter, in violation of any provision of this chapter, and any violator found guilty shall be fined not less than \$75, nor more than \$500, per each offense. It is additionally provided that each day that an offense continues may constitute an additional violation.
(Ord. 1961, passed 6-5-2006)

CHAPTER 125: TATTOO AND BODY PIERCING ESTABLISHMENTS

Section

- 125.01 Definitions
- 125.02 License required
- 125.03 Application for license; investigation
- 125.04 Expiration and renewal of license
- 125.05 Compliance with regulations
- 125.06 Additional standards for premises;
operation generally
- 125.07 Standards for tattooing; operators;
alcoholic beverages
- 125.08 Inspections
- 125.09 Suspension or revocation of license
- 125.10 Transfer of license
- 125.11 Display of license
- 125.12 Exemptions
- 125.13 Body piercing
- 125.14 Tattooing of persons under 18 years
of age

- 125.99 Penalty

§ 125.01 DEFINITIONS.

For the purposes of this chapter, the words and terms defined below shall have the following meanings:

BODY PIERCING. Any procedure whereby a part of the human body is pierced by a sharp instrument in order to allow insertion of a piece of jewelry, a ring or other commercial device through the orifice thus created.

OPERATOR. Any individual, firm, company, corporation or association that owns or operates an establishment where tattooing is performed, and any individual who performs or practices the art of tattooing other human beings.

TATTOO, TATTOOED, and TATTOOING.

Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by the aid of needles or other instruments designed to touch or puncture the skin.

(Ord. 2098, passed 11-5-2007)

§ 125.02 LICENSE REQUIRED.

It shall be unlawful for any person and/or entity to maintain and operate a tattoo establishment, with or without body piercing, without first having obtained a license as provided in this chapter.

(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.03 APPLICATION FOR LICENSE; INVESTIGATION.

Every applicant for a license to maintain, operate or conduct a tattoo establishment shall file an application upon a form provided by the City Clerk, and pay a non-refundable filing fee of \$100 to the City Clerk. The City Clerk shall, within 15 days thereafter, refer copies of such application and all additional information to the Police Department, Fire Department, Building Inspector and Mayor. The Police Department, Fire Department and Building Inspector shall, within 45 days, inspect the premises proposed to be operated as a tattoo establishment, and make recommendations to the City Clerk concerning compliance with the ordinances of the city. Upon receipt of the recommendations of the respective Police Department, Fire Department and Building Inspector, the City Clerk shall notify the applicant on determination by the Mayor as to whether the applicant's application has been granted, denied or held for further investigation. The period of such

additional investigation shall not exceed an additional 30 days.

(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.04 EXPIRATION AND RENEWAL OF LICENSE.

A license as provided for in this chapter shall expire upon the expiration of each calendar year. Applications for renewal shall be made no later than March 1. The renewal fee shall be \$75. There shall be a \$25 late filing fee for applications for renewal filed after April 1 for each fiscal year. An application for renewal shall be processed in the same manner as the initial application noted in § 125.03. The failure to renew any licenses required by this chapter shall result in the cessation of use on the premises.

(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.05 COMPLIANCE WITH REGULATIONS.

No license or renewal of a license shall be granted unless the premises and applicant comply with all zoning regulations and building code regulations of the city.

(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.06 ADDITIONAL STANDARDS FOR PREMISES; OPERATION GENERALLY.

No tattoo establishment shall receive license or be operated, established or maintained unless the establishment shall comply with each of the following minimum regulations:

(A) The establishment shall have a certificate of compliance with or inspection by the county health department, if available.

(B) The room in which tattooing is done shall have an enclosed area of not less than 500 square feet. The walls, floors and ceiling shall have an impervious, smooth and washable surface.

(C) Toilet facilities shall be provided within the establishment. When 5 or more employees or patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. Lavatories shall be provided with both hot and cold running water and shall be installed in the toilet room. Lavatories shall be provided with soap and a dispenser with sanitary towels.

(D) All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth washable finish, and shall be separated from waiting customers or observers by a solid wall or door totally eliminating any view into the tattooing room.

(E) Closed cabinets shall be provided for use in the storage of clean linens, towels, needles, and other materials and instruments used in tattooing. All used linens, towels, equipment, instruments, and other materials shall be kept in properly covered containers or cabinets, which shall be kept separate from the clean storage areas.

(F) The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.

(G) No tattoo establishment shall be open to the public for business between the hours of 9:00 p.m. and 8:00 a.m. except that during the months of April through August inclusive of each year, the tattoo establishment may also be open to the public on Friday and Saturday evening during said months until 10:00 p.m.

(H) The main entrance door of any tattoo establishment shall be visible from a public street and shall remain unlocked during business hours.

(I) Unless and until a further amendment to this chapter shall be enacted, any tattoo establishment presently in operation as of the date of enacting of this chapter shall not be required to comply with divisions (B), (C), and (D) of this section.

(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

**§ 125.07 STANDARDS FOR TATTOOING;
OPERATORS; ALCOHOLIC BEVERAGES.**

(A) The operator shall wash his hands thoroughly with antiseptic soap and water before starting any tattoo. The hands shall be dried with individual, single-use towels.

(B) The area on the patron to be tattooed shall first be thoroughly washed with a sterile, single-use sponge with warm water containing an antiseptic liquid soap. The area should be shaved with a safety razor, using single-service blades for each customer or patron, followed by a solution of 70% alcohol, to be applied to the area before tattooing is begun.

(C) Only petroleum jelly in collapsible metal or plastic tubes shall be used on the area to be tattooed, and it shall be applied with sterile gauze.

(D) Single-service or individual containers of dye or ink shall be used for each patron, and the container thereafter shall be discarded immediately after completing work on each patron. Any dye in which the needles are dipped shall not be used on another person. All needles, pigments, dyes, colors and any other material used in tattooing and all bandages and surgical dressings used in connection with tattooing shall be sterile and free from bacteria, virus particles and noxious agents and substances. After completing work on any person, the tattooed area shall be washed with sterile gauze and 70% alcohol solution and allowed to dry. A sterile gauze dressing shall be fastened to the tattooed area.

(E) Operators shall at all times while in the performance of their services wear uniforms or garments which cover the torso, and such garments shall be kept clean and in a sanitary condition.

(F) No person, while on the premises of any tattoo establishment, shall possess, sell, dispense, provide, give, keep or maintain any alcoholic beverage.

(G) No intoxicated person shall be tattooed by an operator on the licensed premises.

(H) Operators shall at all times comply with the regulations of the Department of Labor's Occupational Safety and Health Administration (29 C.F.R. 1910.1030), as presently existing or hereafter amended, with respect to occupational exposure to blood, bloodborne pathogens or other potentially infectious materials, which regulations are incorporated by reference in this section.

(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.08 INSPECTIONS.

The Fire Department, Police Department, Building Inspector and/or City Engineer may make an inspection of each establishment granted a license under the provisions of this chapter for the purposes of determining compliance and/or for the purposes of granting and/or renewing a license hereunder.

(Ord. 2098, passed 11-5-2007)

**§ 125.09 SUSPENSION OR REVOCATION OF
LICENSE.**

It shall be cause for revocation or suspension that a licensee has violated the provisions of this chapter, or any ordinance of the city relative to the operation of the business or use of the premises, or has made a false statement on any application for license under this chapter, or if the licensee shall refuse to permit any authorized police officer or authorized member of the Police Department, Fire Department, Building Inspector or City Engineer of the city to inspect the premises or the operations thereof at reasonable times.

(Ord. 2098, passed 11-5-2007)

§ 125.10 TRANSFER OF LICENSE.

No license for the operation of a tattoo establishment shall be transferable.

(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.11 DISPLAY OF LICENSE.

Each licensee shall display a valid current license in a conspicuous place within the licensed establishment so that the license may be readily seen by persons entering the establishment.
(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.12 EXEMPTIONS.

The provisions of this chapter shall not apply to licensed medical doctors or doctors of osteopathic medicine who perform body piercing or tattoo individuals while in the course of their medical practice.
(Ord. 2098, passed 11-5-2007)

§ 125.13 BODY PIERCING.

Body piercing may be performed within such licensed tattoo establishment, but shall be done only by a physician or osteopath or in the physical presence and under the direct supervision of a physician or osteopath authorized to practice medicine or osteopathic medicine in the state as set forth in the Illinois Medical Practice Act, ILCS Ch. 225, Act 60, §§ 1 *et seq.*, as the same may be from time to time amended. It is expressly provided that the piercing of ears and nipples shall be exempt from the provisions of this section. No operator shall pierce any portion of any specified anatomical areas provided as follows: human genitals, pubic regions or buttock. The piercing of any portion of one of the above specified anatomical areas, namely human genitals, pubic regions or buttock is prohibited; again this prohibition shall not apply to licensed medical doctors or doctors of osteopathic medicine, who perform body piercing while in the course of their medical practice.
(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.14 TATTOOING OF PERSONS UNDER 18 YEARS OF AGE.

In accordance with ILCS Ch. 720, Act 5, § 12-10, no person under the age of 18 may be

tattooed except by a person authorized to practice medicine or osteopathic medicine as set forth in this chapter.

(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.99 PENALTY.

In addition to license suspension or revocation as provided in this chapter, any person or entity violating the provisions of this chapter shall be fined not less than \$75 and not more than \$750; and a separate offense shall be determined to have been committed each day during which or on which the violation should continue.

(Ord. 2098, passed 11-5-2007)

CHAPTER 126: PARAPHERNALIA SALES

Section

- 126.01 Definitions
- 126.02 License required
- 126.03 Application
- 126.04 Recordkeeping
- 126.05 Display of items; proximity to minors
- 126.06 Revocation of license
- 126.07 Compliance with other regulations
- 126.08 Fee schedule
- 126.09 Sale or delivery to minors prohibited

- 126.99 Penalty

§ 126.01 DEFINITIONS.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning.

CANNABIS. Marijuana, hashish, and other substances recited in the Cannabis Control Act, ILCS Ch. 720, Act 550, §§ 1 *et seq.*, as the same may be from time to time amended.

COCAINE SPOON. A spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful use of a spoon. A **COCAINE SPOON** may or may not be merchandised on a chain, and may or may not be labeled as a cocaine spoon or coke spoon.

CONTROLLED SUBSTANCE. Any drug or substance recited in the Illinois Controlled Substances Act, ILCS Ch. 720, Act 570, §§ 100 *et seq.*, as the same may be from time to time amended.

MARIJUANA OR HASHISH PIPE. A pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is the smoking of marijuana or hashish, rather than lawful smoking of tobacco, and which may or may not be equipped with a screen.

MINOR. Any male or female person who has not yet attained the age of 18 years.

PARAPHERNALIA. Any empty gelatin capsule, vial, hypodermic syringe or needle, cocaine spoon, marijuana pipe, hashish pipe, cigarette paper of colorful design, named and oriented for use with illegal cannabis or drugs, roach clips, or any other instrument, implement or device which is primarily adapted or designed for the administration or use of any controlled substance.

(Ord. 2099, passed 11-5-2007)

§ 126.02 LICENSE REQUIRED.

It shall be unlawful for any person as principal, clerk or agent to sell any items, effects, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs, as defined by the Illinois Compiled Statutes, without obtaining a license therefore from the city. Such licenses shall be in addition to all other licenses held by the applicant.

(Ord. 2099, passed 11-5-2007) Penalty, see § 126.99

§ 126.03 APPLICATION.

Application to sell any item, effects, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs shall

be in a form prescribed by the Chief of Police of the Police Department. Every application shall be filed with the Police Department and shall be accompanied by affidavits by the license applicant and each and every employee of such applicant authorized to sell such items, that such person has never been convicted of a drug related offense.

(Ord. 2099, passed 11-5-2007)

§ 126.04 RECORDKEEPING.

(A) Every licensee under this chapter must keep a record of every item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs which is sold by such licensee. This record shall be open to the inspection of any police officer at any time during the normal hours of business. Such record shall contain the following:

- (1) Name and address of purchaser;
- (2) Name and quantity of the product;
- (3) Date and time of purchase, and form of identification used; and
- (4) The licensee or agent's signature.

(B) Such records shall be retained for not less than 2 years.

(Ord. 2099, passed 11-5-2007) Penalty, see § 126.99

§ 126.05 DISPLAY OF ITEMS; PROXIMITY TO MINORS.

It shall be unlawful to publicly display any items, effects, paraphernalia, accessories or things designed or marketed for use with illegal cannabis or drugs as defined in this chapter in any business establishment within the city that permits or allows persons under the age of 18 years to enter into and upon its place of business.

(Ord. 2099, passed 11-5-2007) Penalty, see § 126.99

§ 126.06 REVOCATION OF LICENSE.

The Mayor shall have the authority to revoke all licenses and permits issued to any licensee of this chapter who pleads guilty in a court of law and/or has been found guilty in a court of law of violating any provision of this chapter. For purposes of this section, a violation of this chapter by any agent or employee of the licensee shall be deemed a violation of license by the licensee. A revocation of a license or permit shall not bar the imposition of a fine or penalty, or the availability of any other relief that may be appropriate at law and/or in equity.

(Ord. 2099, passed 11-5-2007)

§ 126.07 COMPLIANCE WITH OTHER REGULATIONS.

The licensee under this chapter shall comply with all other applicable ordinances of the city.

(Ord. 2099, passed 11-5-2007) Penalty, see § 126.99

§ 126.08 FEE SCHEDULE.

The annual license fee for a license issued under this chapter shall be \$150 per fiscal year, which fiscal year commences May 1. Every such license shall be effective and valid from the first day of a fiscal year, and shall expire on the last day of the fiscal year for which it is granted. There shall be no prorations of any license fee. Any presently acting business, which would be covered by the gambit of this chapter, shall apply for a license within 60 days subsequent to the date of enactment of this chapter.

(Ord. 2099, passed 11-5-2007)

§ 126.09 SALE OR DELIVERY TO MINORS PROHIBITED.

The sale, barter, gift or exchange of all types of smoking paraphernalia, and items, effects, paraphernalia, accessories, or things designed or marketed for use with illegal cannabis or drugs, is

hereby prohibited to persons under the age of 18 years.

(Ord. 2099, passed 11-5-2007) Penalty, see § 126.99

§ 126.99 PENALTY.

(A) Any person violating any section of this chapter may be fined not less than \$25 nor more than \$100 for a first offense. Any person violating this chapter, and being guilty of violating this chapter on a second or subsequent offense shall be subject to a fine of not less than \$60 nor more than \$500. A violation of any section of this chapter shall constitute an independent violation, and there may be multiple violations of this chapter on a given day, depending upon the number of sections of this chapter being violated.

(B) Additional violation of this chapter on a continuing basis for a period in excess of 24-hours, shall be deemed a separate offense for each day that the continuing violation continues.

(Ord. 2099, passed 11-5-2007)

